

APPENDIX B

Conditions of Draft Plan Approval

Park Place South Plan of Subdivision (File No. 26T19-02-2020)

The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions. The conditions of final approval and registration of the Park Place South Plan of Subdivision by Mountainview Homes (Niagara) Ltd. (file no. 26T19-02-2020) Town of Pelham are as follows:

DRAFT PLAN

1. This approval applies to the Park Place South Draft Plan of Subdivision, Part of Lots 7, 8, 9, 13 & 14, Registered Plan 717; Part of Thorold Township Lots 166 & 167, Geographic Township of Thorold in the Town of Pelham, Regional Municipality of Niagara prepared by J.D Barnes Ltd. dated January 13, 2020 printed February 26, 2021 showing:
 - 16 single detached dwelling lots
 - Blocks 17-30 for 56 two-storey townhouses
 - Blocks 31-34 for 17 rear lane townhouses
 - Blocks 35-39 for 40 back to back townhouses
 - Block 40 for 3.0 metre walkway
 - Blocks 41-42 for future development
 - Blocks 43-50 for 0.3m reserves
 - 1.299 ha for right of way
2. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Developer wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for Town Council's consideration, prior to the lapsing date.
3. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
4. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26T19-02-2020** and referencing the conditions that are cleared.

AGREEMENTS AND FINANCIAL REQUIREMENTS

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5. The Developer shall provide an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.
6. The Developer shall provide an electronic copy of the lot priority plan to the Department of Community Planning and Development.
7. The Developer shall agree to pay to the Town of Pelham all required processing and administration fees.
8. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Department of Community Planning and Development prior to the preparation of the Subdivision Agreement.
9. That the Subdivision Agreement between the Developer and the Town of Pelham be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
10. That the Developer shall pay the applicable Town of Pelham, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
11. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town of Pelham concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlighting, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
12. That the Developer agrees to pay their proportionate share of the costs associated with the establishment of the Singers Corner Municipal Drain.
13. That the Developer will not negatively impact trees on neighbouring properties.
14. That the Developer agrees to pay the required cost allocation for oversizing of the Storm Water Facility and Storm Sewer.
15. That the Developer agrees to construct a steel framed wood deck pedestrian crossing over the watercourse connecting the development to the trail on the north side of the watercourse to the satisfaction of the Town noting that a development permit is required from the Niagara Peninsula Conservation Authority.

LAND TRANSFERS AND EASEMENTS

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16. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
17. That the Developer shall provide the following 0.3m wide reserves to the Town of Pelham: Blocks 43 – 50. These must be free and clear of any mortgages, liens and encumbrances.

ZONING

18. That prior to final approval, the zoning by-law amendment application (File No. AM-08-20), which reflects the layout of the draft plan of subdivision has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
19. The Developer shall submit to the Department of Community Planning and Development an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
20. That the Director of Community Planning and Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

21. That all roads and laneways within the subdivision be conveyed to the Town of Pelham as public highways.
22. That the streets be named to the satisfaction of the Town of Pelham.
23. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the Director of Public Works for review and approval.
24. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding, in accordance with the policies of the East Fonthill Secondary Plan Area Urban Design Guidelines.
25. That the Developer agrees to provide decorative street lighting to the satisfaction of the Director of Public Works.
26. That the Developer agrees to provide a detailed streetscape plan in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Community Planning and Development and the Director of Public Works

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illustrating street trees, on-street parking and driveway entrances.

27. That the Developer agrees to install sidewalk and grade and sod boulevards in accordance with the requirements of the East Fonthill Secondary Plan Area Urban Design Guidelines. All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15th and April 15th at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.
28. That the Developer agrees to provide curb side parking in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Public Works.
29. That the Developer agrees to provide lay-by parking on Summersides Boulevard in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Public Works.
30. That the Developer agrees to pay for the north half of Summersides Boulevard abutting the subdivision lands as per the Summersides Boulevard Cost Sharing Agreement.
31. That prior to any construction taking place within the Town road allowance, the Developer shall obtain a Town of Pelham Temporary Works Permit. Applications must be made through the Department of Public Works.

MUNICIPAL SERVICES

32. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Director of Public Works, and any other applicable authority.
33. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the Town of Pelham for review and to the satisfaction of the Director of Public Works and the Fire Chief.
34. That the Developer will provide the Town of Pelham with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.

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35. That the Developer submit to the Town of Pelham for review and approval by the Director of Public Works a Geotechnical Study, prepared by a qualified engineer, that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs.
36. That the design of all Municipal and public utility services for the Subdivision be coordinated with adjacent development.
37. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto). The Town of Pelham is responsible for the review and approval of watermains under the MOE Water License Program.
38. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
39. At the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the Town of Pelham and the Regional Municipality of Niagara.
40. That all foundation drainage be directed to a sump pump in each house discharging via storm laterals. Foundation drains will not be connected to the sanitary sewer system.
41. Roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL

42. That the subdivision agreement between the Developer and the Town of Pelham contain provisions whereby the Developer agrees to implement the approved stormwater management plan required in accordance with Condition 32.
43. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be

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accommodated across the site to be submitted to the Town of Pelham and Regional Municipality of Niagara Development Services Division for review and approval.

44. That prior to approval of the final plan or any on-site grading, the Developer submit to the Town of Pelham for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the Town of Pelham's Lot Grading and Drainage Policy, and the Town of Pelham's Stormwater Management Facility Standards:
- a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
 - b) Detailed sediment and erosion control plans.

PUBLIC PARK

45. That the Developer shall install black wrought iron style fencing or acceptable alternative along the rear and exterior side yards of the lots backing on the park to the satisfaction of the Director of Community Planning and Development.
46. That the Developer shall convey land for park purposes as permitted in Section 51.1 of the *Planning Act R.S.O. 1990, c. P.13* or alternatively, the Town may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13* and pursuant to the Town Parkland Dedication By-law 3621(2015).

ARCHITECTURAL CONTROL

47. The Developer/Owner agrees to comply with the East Fonthill Secondary Plan Area Urban Design Guidelines and retain the services of a Design Architect. The submission of building permit application shall include the building's licensed Architect/Designer stamp and a statement on the submitted plans comply with the East Fonthill Secondary Plan Area Urban Design Guidelines.

UTILITIES

48. That the Developer shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
49. The Developer agrees that should any conflict arise with existing Niagara Peninsula Energy Inc. facilities or easements within the subject area, the owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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

CANADA POST

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

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

52. The Developer agrees to:

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

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

53. That a Stage 3 Archaeological Assessment, prepared by a licensed archaeologist, be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval for AgGt-265. The report must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition. If the consultant recommends / the MHSTCI requires further Archaeological Assessments, these report(s) must also be submitted to and accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearing this condition. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter

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from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

54. 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.”

55. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara 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.

56. That the owner submits 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.

57. That the owner submits 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.

58. 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, Environmental Compliance Approval under the Transfer of Review Program.

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59. 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:
- i. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - ii. Detailed erosion and sedimentation control plans.
60. 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.

Clearance of Conditions

FINAL APPROVAL

1. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town

CLEARANCE OF CONDITIONS

Prior to granting final plan approval, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions

Town Department of Community Planning and Development for Conditions 5-22 (Inclusive), 45-47 (Inclusive),

Town Department of Public Works for Conditions 23-44 (Inclusive), 48 and 50

Niagara Peninsula Energy Inc. for Condition 49.

Canada Post for 51-52 (Inclusive)

Niagara Region Planning and Development Services Department for Conditions 53-60 (Inclusive)