

# APPENDIX A



Enbridge Gas Inc.  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

April 12, 2022

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

Dear Shannon,

Re: Draft Plan of Subdivision, Zoning By-law Amendment  
Mountainview Homes (Niagara) Ltd.  
Park Place West  
Part of Lots 5, 6, 7, 8, 9 and 11, Plan No. 717  
Town of Pelham  
File No.: 26T19-01-2022, AM-02-2022

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

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

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

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Casey O'Neil'.

**Casey O'Neil**  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-5180  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
Safety. Integrity. Respect. Inclusion.

# Memo

**To:** Shannon Larocque, Senior Planner

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering; Haneen Al Jbawi, Engineering Technologist; Gimuel Ledesma, Engineering Technologist;

**From:** Taylor Boyle, Engineering Technologist

**Date:** 11<sup>th</sup> April 2022

**RE:** Draft Plan of Subdivision – Park Place West

Town of Pelham Public Works Staff have reviewed the above noted application, and supporting documentation, to address the technical concerns regarding the proposed draft plan of subdivision for Park Place West.

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.

Town staff have reviewed the following documentation for the purpose of this application:

- Functional Servicing Report – Park Place West Subdivision, prepared by Upper Canada Consultants, dated February 2022;
- Draft Plan of Subdivision (1890-DP), prepared by Upper Canada Consultants, dated March 3, 2022;
- Concept Plan Option 2 (2096-CP2), prepared by Upper Canada Consultants, dated October 26, 2021; and
- Overall Storm Drainage Area Plan (1890-OVL-STM), prepared by Upper Canada Consultants, dated February 18, 2022;

## **FUNCTIONAL SERVICING REPORT**

### **Stormwater Management Plan**

1. The maximum allowable ponding elevation from the overland flow routes during the 100-year storm event is 0.2 meters as per the Town of Pelham Design Standards. Relief should be provided in low points to prevent ponding at the centre line.

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**Overall Storm Drainage Area Plan**

2. Town staff requests clarification on why location A2 – Shaw Avenue is proposing a 450mm dia. Storm sewer, and B6 – Shaw Avenue is proposing a 450mm dia. Storm sewer, but location B4 – Shaw Avenue is proposing a 375mm dia. Storm sewer at 79.8 capacity.
3. As per Town of Pelham Engineering Design Standards Section 3.6.5, Town staff require that additional rear yard catch basins be installed to ensure that the maximum drainage area per catch basin is no more than four single family lots.

Please note that the Town does not permit Rear Yard Catch Basins to drain to other Rear Yard Catch Basins. Please design accordingly.

4. The developer should be made aware that there is a payment required for storm sewer oversizing in East Fontheil as part of the cost-sharing agreement storm sewer oversizing completed by the Town. The cost of the oversizing fee to be forthcoming.

**Planning and Development Services**

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

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**Via Email Only**

April 13, 2022

File No.: D.18.06.ZA-22-0031  
D.11.06.SD-22-0015

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

Dear Ms. Larocque:

**Re: Regional and Provincial Comments  
Zoning By-law Amendment and Draft Plan of Subdivision  
Park Place West  
Town File Nos.: 26T19-01-2022 & AM-02-2022  
Applicant: Mountainview Homes (Niagara) Ltd.  
Agent: Upper Canada Consultants (Matt Kernahan)  
Legal Description: Part of Lots 5, 6, 7, 8, 9, and 11, Registered Plan 717  
Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated with the applications for a Zoning By-law Amendment and Draft Plan of Subdivision for above-noted lands, identified as Park Place West, in the Town of Pelham.

The Draft Plan of Subdivision, prepared by Upper Canada Consultants (dated March 3, 2022, and certified by J.D. Barnes Limited on March 3, 2022) proposes the creation of 12 lots for single-detached dwellings (Lots 1-12), 8 blocks (Blocks 13-20) for 16 semi-detached dwellings, 5 blocks (Blocks 21-25) for 18 street townhouse dwellings, and a right of way on a 1.82 hectare property.

The Zoning By-law Amendment proposes to rezone the subject lands from the current Agricultural (A) zone to a site-specific Residential 2 (R2) zone for the single-detached dwellings, and a site-specific Residential Multiple 1 (RM1) zone for the semi-detached and street townhouse dwellings.

A pre-consultation meeting for this proposal was held on October 21, 2021. The following Provincial and Regional comments are provided to assist the Town in considering this application.

## **Provincial and Regional Policies**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and designated Urban Area (Built-Up Area) in the Regional Official Plan (ROP).

The PPS and Growth Plan direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation. The policies of the ROP promote higher density development in Urban Areas, supporting growth that contributes to the overall goal of providing a sufficient supply of housing that is accessible and suited to the needs of a variety of households and income groups in Niagara.

Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, an annual minimum intensification target of 15% will apply to the portion of the Built-Up Area within the Town of Pelham. The proposed development is considered infill development, and will contribute to the Town's intensification target, and therefore aligns with Provincial and Regional growth management policies by utilizing existing services and providing additional housing in the neighbourhood.

Regional staff note that the Town's East Fonthill Secondary Plan provides detailed policies for the comprehensive development of this area. The ROP encourages local municipalities to use secondary plans to establish a blueprint for good long term community development, and to ensure a commitment to growth management and phasing of development. Accordingly, the Town should be satisfied that the proposed development aligns with the general intent and long term vision outlined in the secondary plan. Regional staff acknowledge that local compatibility considerations and interface with neighbouring land uses, including built form and height, are local planning matters to be addressed by Town Planning staff and Council.

## **Noise Impacts**

The subject property is located in close proximity to Regional Road 20 (Highway 20), and loading facilities and HVAC units associated with a nearby commercial plaza. Policy

1.2.6.1 of the PPS requires that major facilities (including transportation infrastructure and corridors) and sensitive land uses (including residential) be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...”. To implement these policies, the Ministry of the Environment, Conservation and Parks (MECP) Noise Guidelines (NPC-300) are to be applied in the land use planning process to prevent or minimize future land use problems.

At the pre-consultation meeting, Town and Regional staff required the submission of a noise study to evaluate impacts from the nearby noise sources. An Environmental Noise Feasibility Study, prepared by Valcoustics Canada Limited (dated February 25, 2022) was submitted with the applications. The study predicts that indoor and outdoor sound levels for the future dwelling units will comply with the MECP NPC-300 guidelines, provided standard warning clauses are included in all property and tenancy agreements and offers of purchase and sale regarding potential adverse noise impacts. Conditions to implement the recommendations of the noise study are included in Appendix I.

## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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.

At the pre-consultation meeting, the subject lands were identified as having high archaeological potential due to their proximity to several registered archaeological sites. In this regard, the following reports were submitted with the applications:

- Stage 1 and 2 Archaeological Assessment Rear Lands at 1409, 1415, 1419 and 1423 Station Street, prepared by Detritus Consulting Ltd. (dated September 14, 2018);
- Stage 1 and 2 Archaeological Assessment of Part of Lots at 1411, 1413, 1415, 1419, 1423, 1427, 1431, 1433 and 1435 Station Street, prepared by Detritus Consulting Ltd. (dated January 14, 2021); and
- Stage 3 Archaeological Assessment AgGt-265, 1409 Station Street, prepared by Detritus Consulting Ltd. (dated April 19, 2021).

The Stage 1 and 2 assessments together apply to the entirety of the subject lands, as well as lands to the south, which are associated with a separate draft-approved subdivision, known as Park Place South. The Stage 1 and 2 assessments did not identify any archaeological resources on the subject lands; however, one site (AgGt-265) was identified on a portion of the lands to the south. The Stage 3 assessment that was submitted with the application applies to AgGt-265, and resulted in the recovery of

113 pre-contact aboriginal artifacts. Based on the artifacts recovered, the report concludes that AgGt-265 retains no further cultural heritage value and interest, and therefore further Stage 4 mitigation of the site is not warranted.

In letters dated December 30, 2019, August 11, 2021, and July 7, 2021, the Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) confirmed that all archaeological resource concerns associated with the submitted assessments have met licensing and resource conservation requirements. Regional staff note that the Ministry's letters references Stage 1 and 2 Archaeological Assessments dated October 29, 2018 and August 9, 2021, whereas the reports received with the applications were dated September 14, 2018 and January 14, 2021, respectively. Accordingly, Regional staff will require that the applicant forward a copy of the final reports that were submitted to the MHSTCI as a condition of draft plan approval.

Additionally, recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend 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 this clause has been included in Appendix I.

## **Servicing**

Any extension of municipal sewers to service the proposed development will require an MECP Environmental Compliance Approval application, which can be obtained through the Region's Transfer of Review program or through the pending Consolidated Linear Environmental Compliance Approval system. No construction of infrastructure should commence until such approvals are obtained. Appropriate conditions are included in Appendix I in this regard.

## **Stormwater Management**

Regional staff have reviewed the Functional Servicing Report, prepared by Upper Canada Consultants (dated February 2022), and note that the subject lands are within the designated drainage area of an existing stormwater management pond, and the stormwater from this development will be directed to this facility (pond). Regional staff note that the average percent of imperviousness originally assigned to the pond's drainage area was 43.5%. As any changes to the imperviousness of the drainage area may affect the pond's operational conditions to meet desired control targets, Regional staff will require that the report be updated to confirm the proposed development will not negatively affect this facility, as well as address any on-site control measures that may be required.

Conditions requiring the submission of detailed stormwater management plans and implementing clauses in the subdivision agreement are included in Appendix I.

## Waste Collection

Niagara Region provides curbside waste and recycling collection for developments which meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection, provided that the owner brings the waste and recycling containers to the curbside on the designated collection day, and that the following limits are met:

- No limit blue/grey containers (collected weekly);
- No limit green containers (collected weekly); and,
- 2 garbage containers per unit (collected bi-weekly).

In order to ensure that the site will meet the design requirements for Regional curbside waste collection, engineering plans, which include Regional truck turning templates, will be required. Additionally, staff will require confirmation as to which of the surrounding roadways will be constructed prior to registration, to determine if temporary cul-de-sacs and easements will be required. Dimensions of these roadways will also be required to determine if the waste collection trucks will be able to access the proposed development.

Conditions to address waste collection requirements are included in Appendix I.

## 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 I, and any local requirements. Subject to the satisfaction of the conditions in Appendix I, the proposal is consistent with the Provincial Policy Statement (PPS), and conforms to the intent of the Growth Plan and Regional Official Plan (ROP).

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

If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca), or Aimee Alderman, MCIP, RPP, Senior Development Planner at [Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Development Planner



cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region  
Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara  
Region  
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region

**Appendix I**  
**Regional Conditions of Draft Plan of Subdivision Approval**  
**Park Place West, Town of Pelham**

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1. That the applicant submit the Stage 1 and 2 Archaeological Assessment Rear Lands at 1409, 1415, 1419 and 1423 Station Street, prepared by Detritus Consulting Ltd. (dated October 29, 2018), and Stage 1 and 2 Archaeological Assessment of Part of Lots at 1411, 1413, 1415, 1419, 1423, 1427, 1431, 1433 and 1435 Station Street, prepared by Detritus Consulting Ltd. (dated August 9, 2021) to Niagara Region.

2. That the subdivision agreement include the following clause:

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

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture and Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

3. That the owner submit a written undertaking to 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.
4. That the owner submit a written undertaking to 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.

5. That, prior to final 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 the required Environmental Compliance Approvals.
6. That the owner provide engineering plans to Niagara Region for review and approval to confirm whether the development can accommodate Regional waste collection services.
7. 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 collection of waste and recycling throughout all phases of the 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.
8. That the owner shall comply with the Niagara Region's Corporate Waste Collection Policy, and complete the application for commencement of collection and indemnity agreement.
9. 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, as well as the following plans, designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors, to 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 to the existing stormwater management facility; and
  - ii) Detailed erosion and sedimentation control plans.
10. 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**

Prior to granting final approval, the Town of Pelham must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that

the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance; however only one formal clearance letter will be issued. In this regard, studies and reports (one hard copy and a PDF digital copy that is AODA compliant) can be sent directly to the Region with a copy provided to the local municipality.



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DELIVERY PLANNING  
CANADA POST CORPORATION  
955 Highbury Avenue North  
London ON N5Y 1A3

April 20, 2022

SHANNON LAROCQUE  
PELHAM  
P.O. BOX # 400  
20 PELHAM TOWN SQUARE  
Fonthill, Ontario L0S 1E0

**RE: Park Place West**

Dear Shannon:

Canada Post Corporation has no requirements or conditions regarding this project as the development in question falls within the Post Office Box-served boundaries of the Fonthill Post Office.

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

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

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Services Officer