

APPENDIX B

Conditions of Draft Plan Approval Kunda Park Phase 4 Plan of Subdivision (File No. 26T19-020-02)

The conditions of final approval and registration of the Kunda Park Phase 4 Plan of Subdivision by Sterling Realty (Niagara) Inc. (file: 26T19-020-02) in the Town of Pelham are as follows:

DRAFT PLAN

1. This approval applies to the lands known as Kunda Park Phase 4 - Draft Plan of Subdivision, legally described as Part of Lot 173, Geographic Township of Thorold, now in the Town of Pelham, Regional Municipality of Niagara prepared by Upper Canada Consultants Engineers / Planners printed November 22, 2022 depicting:
 - Lots 1 – 78 for single detached dwellings;
 - Blocks 79 and 80 for environmental protection;
 - Block 81 for naturalized channel;
 - Block 82 for 10 metre wide walkway;
 - Block 83 for wetland crossing;
 - 2.002 hectares for public streets.
2. 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.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Developer shall provide three (3) paper copies and an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the department of Community Planning & Development stating how all the conditions imposed have been, or are to be fulfilled.
4. The Developer shall provide an electronic copy of the lot priority plan to the satisfaction of the Director of Community Planning & Development.
5. The Developer shall agree to pay to the Town of Pelham all required processing and administration fees.
6. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the department of Community Planning & Development prior to the preparation of the Subdivision Agreement.
7. 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*.

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8. 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.
9. 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, street lights, 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.
10. That the subdivision, if phased, will be to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.
11. That the Developer shall dedicate land for 0.3 metre reserves to the Town of Pelham, free and clear of any mortgages, liens and encumbrances to the satisfaction of the Director of Public Works.
12. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials, 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, Director of Community Planning & Development, and any other applicable authority.
13. That the Developer will not negatively impact trees on neighbouring properties except where authorized.
14. 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.
15. 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*.
16. 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 **26T19-020-02** and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

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17. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes to the appropriate authorities and utilities.
18. The Developer 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.
19. The Developer shall agree that 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.

ZONING

20. That prior to final approval, the Zoning By-law Amendment application (File No. AM-03-2020), which reflects the layout of the draft plan of subdivision, has come into effect in accordance with the provisions of Section 34 and 35.1 (1) of the *Planning Act R.S.O. 1990, c. P.13*.
21. The Developer shall submit to the Department of Community Planning & Development three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
22. That the Director of Community Planning & Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

23. That the Developer shall provide street tree plantings in the boulevards on both sides of all roads at the rate of one tree per dwelling lot frontage, or at 15 metre intervals elsewhere, to the satisfaction of the Director of Community Planning & Development.
24. That the Developer agrees that all streets within the subdivision be conveyed to the Town of Pelham as public highways.
25. That the Developer agrees that the proposed streets be named to the satisfaction of the Town of Pelham.
26. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Director of Public Works for review and approval.

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27. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding.
28. That the Developer agrees to provide decorative street lighting to the satisfaction of the Director of Public Works.
29. That the Developer agrees to provide a detailed streetscape plan to the satisfaction of the Director of Community Planning and Development and the Director of Public Works illustrating street trees, on-street parking and driveway entrances.
30. That the Developer agrees to install sidewalk and grade and sod boulevards. 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.
31. That the Developer agrees to provide curb side parking to the satisfaction of the Director of Public Works.
32. That prior to any construction taking place within the public road allowance, the Developer shall obtain a Temporary Works Permit. Applications must be made through the Department of Public Works.
33. The Developer shall provide a construction management plan with consideration given to minimizing traffic, road, dust and noise impacts to the satisfaction of the Director of Public Works.

MUNICIPAL SERVICES

34. That a Functional Servicing Study report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and that 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 Fire Chief.
35. 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.
36. That the design of the proposed storm sewer be to the satisfaction of the Director of Public Works.

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37. That the Developer submit to the Town of Pelham for review and approval, 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, to the satisfaction of the Director of Public Works.
38. That the design of all municipal and public utility services for the Subdivision be coordinated with adjacent development.
39. 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.
40. 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, Conservation and Parks 'Form 1' Record of Watermain.
41. 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.
42. That all sub-grade building foundation's drainage be directed to a sump pump(s) in each house discharging via storm laterals to the municipal storm sewer system. Foundation drains are prohibited from connecting to the sanitary sewer system.
43. Roof water drainage from any structure or building shall discharge onto splash pads (concrete or other suitable material) to grass surfaces via downspouts. 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, SEDIMENT AND EROSION CONTROL

44. That the subdivision agreement contains provisions whereby the Developer agrees to implement the approved Stormwater Management Plan required and in accordance with Condition 39.

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45. 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 accommodated across the site to be submitted to the Town of Pelham and Regional Municipality of Niagara Development Services Division for review and approval.
46. 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.
47. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Region of Niagara for review and approval.
48. That prior to approval of the final plan, the Developer submit to the Town of Pelham a detailed Stormwater Management Plan for the development completed by a qualified engineer and prepared in accordance with the "MOEE Stormwater Management Practices, Planning and Design Manual (June 1994)".

FENCING

49. That the Developer shall provide privacy fencing where abutting existing residential uses along Stella Street and Beechwood Crescent in compliance with the Town of Pelham Fence By-law.

UTILITIES

50. The Developer shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
51. 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

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the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

CANADA POST

52.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.

53.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.

DISTRICT SCHOOL BOARD OF NIAGARA

54.That the developer constructs, at his/her cost, a 6-foot high chain link fence with small web (1.25" x 1.25") along the northern limit of the subdivision (lots 1 to 10) that directly abuts the school site.

55.That the developer contacts Terry Deguire, Manager of Facility Services – Plant General Administration, prior to constructing the fence to make the necessary arrangements to complete the fence works.

56.That a clause be included within the subdivision agreement, to be registered on titles, that advises the future property owners that, provided the District School Board of Niagara owns the school property to the north, the owner is responsible for ensuring the 6-foot high fence is maintained, shall not remove the fence or any part of the fence, and shall not add any gates or openings that would allow access directly to the school property.

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57. That sidewalks be constructed within the subdivision to facilitate student travel to the school/bus stop locations.

NIAGARA PENINSULA CONSERVATION AUTHORITY

58. That Blocks 79 and 80 be rezoned to Environmental Protection, or equivalent, to the satisfaction of the Niagara Peninsula Conservation Authority.

59. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.

60. That limit of work fencing be shown on the grading plan along all portions of the 15 metre wetland 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.

61. That the Developer provide 1.5 metre high chain link fencing along any residential lot line abutting the natural areas within Blocks 79, 80 and 81, to the satisfaction of the Niagara Peninsula Conservation Authority. This shall be shown on the Grading Plan.

62. That the Developer submit a Buffer Enhancement/Planting Plan which provides enhancements to the wetland buffer areas to the satisfaction of the NPCA.

63. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to 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.

64. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to 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.

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65. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to the removal of the wetland for Block 83 and recreation of the wetlands. In support of the Work Permit application, the following information will be required:
- a. A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with NPCA staff prior to submitting a Work Permit application);
 - b. A detailed monitoring plan; and
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.
66. That the Developer obtain Work Permits from the NPCA for all other works located within NPCA's regulated areas and buffers (including but not limited to any stormwater outfalls, any works proposed within the regulated buffers).
67. That Conditions 60 to 69 above be incorporated into the Subdivision 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 Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES

68. 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."
69. That the draft plan agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 4.2 of the EIS Addendum (prepared by Beacon Environmental, dated September 2022), including but not limited to:
- a) To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.

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- b) That the Environmental Protection Block 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.
- c) No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and Significant Woodland.
- d) 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.
- e) 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.

- 70. That permanent rear-lot fencing be provided adjacent to the natural heritage features and along the watercourse/channel corridor adjacent to the Steve Bauer Trail, to the satisfaction of the Niagara Region. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
- 71. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC 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.
- 72. 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.
- 73. That a Tree Preservation Plan (TPP) be submitted to the Niagara Region for review and approval. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with the Region's Woodland Conservation By-law.
- 74. That a Restoration and Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations of Beacon Environmental. The Plan shall identify the location of dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species shall also be incorporated. The Plan shall include the full extent of the PSW, Significant Woodland and associated buffers, as well as the watercourse block adjacent to the Steve Bauer Trail. Updates to the Restoration and Enhancement Plan shall be required based on findings of the Ecological Monitoring Plan.

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75. That the developer provide securities to the Town of Pelham in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above conditions and that the subdivision agreement include provisions whereby the developer agrees that the Town may draw on the Letter of Credit, if required, to ensure installation of the plantings.
76. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness and success of the restorative plantings and invasive species removals, information gathered shall be used to adapt the restoration strategy as appropriate. The Report should be addressed to Adam Boudens, Senior Environmental Planner, developmentplanningapplications@niagararegion.ca by September 1st of years 1 through 5. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note. Monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 5 years from full build out.

77. That the Subdivision agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Tree Preservation Plan, Restoration and Enhancement Plan, and Ecological Monitoring Plan.
78. That the owner submit a written undertaking to the Niagara Region Planning and Development Services Department 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.
79. That the owner submit a written undertaking to the Niagara Region Planning and Development Services Department 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.
80. 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 or the pending Consolidated Linear Environmental Compliance Approval.

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81. 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, 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 the Niagara Region Planning and Development Services Department 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;
 - ii. Detailed erosion and sedimentation control plans;
 - iii. 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,
 - iv. 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.
82. 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.
83. 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.

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

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submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Pelham.

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 & Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied:

- Bell Canada – Condition 18
- Enbridge Gas – Condition 19
- Canada Post – Conditions 52-53
- District School Board of Niagara – Conditions 54-57
- Niagara Peninsula Conservation Authority – Conditions 58-67
- Niagara Region Planning & Development Services – Conditions 68-83
- Town of Pelham
 - Public Works – Conditions 10-12, 26-48, 50-51
 - Fire & By-law Services – Condition 34
 - Unless otherwise specified, all other conditions shall be to the satisfaction of the Community Planning & Development