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March 9, 2023

Via Email Only

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S1E0

Dear Ms. Larocque:

Re: NPCA Comments
Application: 2nd Submission – Kunda Park Phase 4
Draft Plan of Subdivision and Zoning By-law Amendment Applications
File No. AM-03-2020 and 26T19-02002
Town of Pelham

The NPCA has received a revised application for Draft Plan of Subdivision for Phase 4 of the Kunda Park Subdivision and associated Zoning By-Law Amendment applications. In support of the application, the NPCA also received an Environmental Impact Study Addendum (EIS), prepared by Beacon Environmental, dated September 2022. This revised submission of the Draft Plan of Subdivision (dated November 22, 2022) proposes the creation of 78 lots for single detached dwellings, Block 82, which is for a pedestrian walkway, Blocks 79 and 80 for environmental features, Block 81 for a naturalized channel (watercourse), and with associated roads. Block 83 is part of the proposed road network that crosses through the existing Provincially Significant Wetland located on these lands.

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. As this proposal is a re-submission of a previous Draft Plan of Subdivision that was originally made in 2019, and it has been shown that the Applicant has been actively working towards approvals for this development, the NPCA policies at the time of the original application continue to apply to this re-submission. The NPCA regulated features on these lands include three watercourses and the Niagara Street Cataract Road Woodlot Wetland Complex, which is a PSW.

The current Draft Plan proposes a 15-metre buffer to all new proposed building lot lines. This buffer has been previously approved by the NPCA. This position remains unchanged. Appropriate mitigation, including fencing at rear lot lines to minimize further encroachment, and buffer enhancements are recommended to ensure protection to the wetland over the long term. A detailed grading plan and buffer planting plan will be required. Note that implementation of the buffer planting plan will require an NPCA Work Permit.

The PSW and buffer (Blocks 79 and 80) is proposed to be rezoned to an appropriate zone category which recognizes the environmentally sensitive nature of these lands. NPCA staff have no objection to this as it provides the appropriate level of protection for the wetland and its buffer.

The current Draft Plan proposes the extension of Street A through a portion of the identified PSW. The applicant undertook a Municipal Class Environmental Assessment (Class B) to accommodate this crossing. This approval imposed a condition on the project that the applicant work with the NPCA to ensure impacts to the PSW are mitigated. NPCA Policies allow for public infrastructure in a PSW where it has undergone an Environmental Assessment (Policy 8.2.4). Therefore, NPCA staff have no objection in principle to the road going through the PSW subject to the applicant working with the NPCA on an appropriate wetland recreation plan. At this time, appropriate areas for compensation have yet to be detailed and approved by the NPCA. It does appear that there are options and lands available within this Draft Plan to ensure the created wetland and required buffer can be accommodated. However, it needs to be understood that until these details are reviewed and approved by the NPCA, further, minor revisions to the existing lot fabric proposed may be required to accommodate the proposed wetland creation and required buffer.

The NPCA will require that the extent of wetland area impacted by the road design and construction be accurately characterized and appropriately compensated through a compensation and restoration plan for all disturbed areas. Additionally, details regarding the type of crossing and the alignment of the culvert will be needed and any alterations to the existing wetland as well as the creation of wetland should be addressed through an NPCA Work Permit. Again, the approval of an appropriate compensation/restoration plan may result in revisions needed to the existing lot fabric proposed.

The draft plan proposes the current flows of the two more northerly watercourses will be collected and conveyed (untreated) northward through a constructed swale along the rear of lots 43 to 46, then piped eastward under Street A to Block 81 which is a proposed 15m naturalised channel corridor to the west of the Steve Bauer Trail. This watercourse will outlet into a culvert under the Trail and be conveyed into the recently constructed 30m wide naturalized channel within the approved Forest Park and Saffron Meadow Subdivisions. 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 using natural channel design principles.

Given the above, NPCA staff consider the applications to conform to the NPCA's Policies subject to the below Conditions of Draft Approval.

Conditions of Draft Plan Approval

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

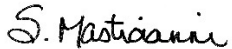
1. That Blocks 79 and 80 be rezoned to Environmental Protection, or equivalent, to the satisfaction of the Niagara Peninsula Conservation Authority.
2. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.

3. That limit of work fencing be shown on the grading plan along all portions of the 15 metre 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.
4. 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.
5. That the Developer submit a Buffer Enhancement/Planting Plan which provides enhancements to the wetland buffer areas to the satisfaction of the NPCA.
6. 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.
7. 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.
8. 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.
9. 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).
10. That Conditions 1 to 9 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.

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 black ink that reads "S. Mastroianni".

Sarah Mastroianni
Manager, Planning and Permits
NPCA