

From: Sarah Leach
Sent: February 1, 2024 11:22 AM
To: Lindsay Richardson
Subject: FW: East Fenwick Secondary Plan



Sarah Leach, BA.

Deputy Clerk

Town of Pelham

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From: Lingard, Norman <norman.lingard@bell.ca>
Sent: Thursday, February 1, 2024 11:19 AM
To: Sarah Leach <SLeach@pelham.ca>
Subject: East Fenwick Secondary Plan

Good morning,

Bell Canada thanks you for the opportunity to participate in the Town of Pelham's process to implement a Secondary Plan for East Fenwick.

About Bell Canada

Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. The *Bell Canada Act*, a federal statute, requires that Bell supply, manage and operate most of the trunk telecommunications system in Ontario. Bell is therefore also responsible for the infrastructure that supports most 911 emergency services in the Province. The critical nature of Bell's services is declared in the *Bell Canada Act* to be "for the general advantage of Canada" and the *Telecommunications Act* affirms that the services of telecommunications providers are "essential in the maintenance of Canada's identity and sovereignty."

Provincial policy further indicates the economic and social functions of telecommunications systems and emphasizes the importance of delivering cost-effective and efficient services:

- The 2020 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).
- Section 1.7.1 I) of the 2020 PPS recognizes that “efficient and coordinated telecommunications infrastructure” is a component of supporting long-term economic prosperity.
- We note that the definition of infrastructure in the 2020 PPS is inclusive of communications / telecommunications, which is indicative of the importance in providing efficient telecommunications services to support current needs and future growth (Section 1.6.1).
- Furthermore, the 2020 PPS states that infrastructure should be “strategically located to support the effective and efficient delivery of emergency management services” (Section 1.6.4), which is relevant to telecommunications since it is an integral component of the 911 emergency service.

To support the intent of the *Bell Canada Act* and *Telecommunications Act* and ensure consistency with Provincial policy, Bell Canada has become increasingly involved in municipal policy and infrastructure initiatives. We strive to ensure that a partnership be established which allows for a solid understanding of the parameters of Bell’s infrastructure and provisioning needs and the goals and objectives of the municipality related to utilities.

Comments on the East Fenwick Secondary Plan Area

Bell Canada is most interested in changes to the transportation network and/or policies and regulations relating to the direction of population growth and public infrastructure investments, heritage character, urban design, broadband and economic development related objectives and how Bell can assist Pelham to be a connected community. We have reviewed the information provided, and would be pleased to provide the following comments in order to plan and facilitate the expansion of telecommunications and broadband infrastructure.

To facilitate the provisioning of this infrastructure, we appreciate the Municipality’s continued support in ensuring that sufficient notice and time to comment on planning applications are provided, particularly for Draft Plan of Condominium, Draft Plan of Subdivision and Site Plan Control/Approval. This ensures an understanding by applicants of Bell’s conditions and provisioning requirements.

Bell would also emphasize that receiving engineering and servicing/utility plans/drawings, as soon as possible in the process, assists in the development and expedition of our provisioning plan. As a result, we would strongly recommend that this consideration be highlighted in any pre-circulation/consultation meetings with prospective applicants. This will assist Bell in providing comments and clearance letters in an efficient manner, assisting the Municipality in meeting approval times. Such drawings should be submitted to: planninganddevelopment@bell.ca by the applicant/their agents.

Moving forward, Bell Canada would like to continue to ensure that the landowners are aware and familiar with our conditions as they pertain to forthcoming Site Plans, Draft Plans of Subdivision and/or Draft Plans of Condominium as follows:

Condition:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell.

The Owner agrees that should any conflict arise with existing Bell Canada 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.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the even that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Future Involvement

We would like to thank you again for the opportunity to comment, and would request that Bell continue to be circulated on any future materials and/or decisions released by the Town of Pelham in relation to this initiative. Please forward all future documents to circulations@wsp.com and should you have any specific questions, please contact the undersigned.

Yours truly,

Norm Lingard
Senior Consultant – Municipal Liaison
Network Provisioning
norman.lingard@bell.ca | ☎ 365.440.7617



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Growth Strategy and Economic Development

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

Via Email Only

March 14, 2024

Lindsay Richardson
Policy Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Richardson,

**Re: Regional Comments
East Fenwick Secondary Plan
Town of Pelham**

Thank you for the opportunity to review the Town of Pelham's East Fenwick Secondary Plan, received January 29, 2024.

Regional staff have appreciated the opportunity to participate in the development of the East Fenwick Secondary Plan over the past seven years. Regional staff have provided input into the terms of reference, background studies and various iterations of the draft policy set and schedules over the course of the Secondary Plan development.

Most recently, Region, Town and NPCA staff met July 11, 2023 and October 10, 2023 to resume the East Fenwick Secondary Plan after it was paused for a period of time. Regional staff appreciated being invited to attend and support the Town at the Open House for the Secondary Plan on November 30, 2023. The Statutory Public Meeting was held on February 14, 2024 and Regional staff understand that the Town is targeting a Recommendation Report to Pelham Council in April 2024.

Regional staff have reviewed the final East Fenwick Secondary Plan which includes:

- Final Draft Policies
- Final Draft Schedules
- Appendix A – Demonstration Plan & Active Transportation Plan
- Appendix B – Land Use Budget
- Appendix C – Urban Design Guidelines
- Appendix D – Natural Heritage System
- Appendix E – Cultural Heritage Resource Assessment

The Secondary Plan has been reviewed with consideration for the Niagara Official Plan (NOP) approved by the Province in November 2022 and again through the *Official Plan Adjustments Act, 2023* (Bill 150), in accordance with policy 3.1.30.4.3 regarding in-process secondary plans as well as applicable transitional provisions of the NOP.

Regional comments and corresponding NOP policy references have been inserted directly into the draft policy set, schedules and appendices, as attached. Comments relating to matters of Provincial and Regional conformity include:

- Updating policies B1.9.11.4 b) i, iii and vi relating to conservation of cultural heritage and archaeological resources;
- Updating policies B1.9.4.3, B1.9.8.3.1 and B1.9.8.4.1 to replace ‘secondary suites’ with ‘additional residential units’; and
- Updating policy B1.9.11 c) to indicate that a pumping station “if required” is permitted within the Greenlands designation “in accordance with the Regional Sewage Pumping Station Policy”.

Regional staff also note that policy B1.9.9.6.1 does not include water quality control. Staff recommend revising this policy to add that “stormwater from all new development be captured and treated to an Enhanced standard (i.e. 80 percent long-term suspended solids removal)”.

In addition, Regional staff continue to recommend that the Urban Design Guidelines be updated, as per the comments inserted directly into Appendix C, if feasible.

We also recognize that the Town has initiated its Official Plan conformity exercise and will need to balance current policy language with future Official Plan updates. Additional comments throughout the draft policy set relating to wording options, numbering and formatting are provided solely for Town staff’s consideration.

Niagara Transit Commission

Regional planning staff circulated the East Fenwick Secondary Plan to the Niagara Transit Commission (NTC) in accordance with policy 5.1.2.3 of the NOP. NTC staff have acknowledged that the Secondary Plan was likely written when Pelham had a fixed route with various stops throughout the Town. Currently, Pelham is serviced by on-demand transit without a need for transit stops. Depending on when this project is to be completed, the type of transit servicing within the secondary plan area may be different than what is laid out in the document. For instance, longer term planning may require a change from on-demand to fixed route conventional service.

The NTC has recently initiated a Network Design Review which will look at the transit network throughout the entire region. Any future changes to transit service (e.g.

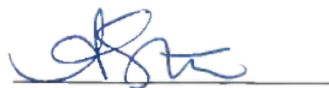
expansions into new areas) are subject to Board and Regional Council Budget approval, and based on the existing Transit Special Levy methodology, would be a direct chargeback to the Town of Pelham. The service level required by the Town of Pelham and the cost to deliver that service would be discussed between the NTC and Town prior to seeking Budget approval.

Conclusion

Thank you again for the opportunity to provide input into the East Fenwick Secondary Plan. Provided the matters of Provincial and Regional conformity noted above are satisfactorily addressed, the Official Plan Amendment for the East Fenwick Secondary Plan is exempt from Regional approval in accordance with NOP policy 7.4.1.6. Regional staff request to receive a copy of the final Recommendation Report and Official Plan Amendment as endorsed by Town Council.

Should you have any questions or concerns regarding any of the comments, please contact Lindsey Morin, Senior Planner at Niagara Region at lindsey.morin@niagararegion.ca or 905-980-6000 ext. 3630.

Respectfully submitted,



Angela Stea, MCIP, RPP
Director, Corporate Strategy & Community Sustainability, Niagara Region
Growth Strategy and Economic Development
Niagara Region

Attachment(s):

Regional Comments on Final Draft East Fenwick Secondary Plan

cc: Michelle Sergi, Commissioner, Growth Strategy and Economic Development, Niagara Region
Erik Acs, Manager, Community Planning, Niagara Region
Barbara Wiens, Director, Community Planning and Development, Town of Pelham

B1.9 East Fenwick Secondary Plan – January 2024

B1.9.1. INTRODUCTION

- a) The lands subject to this Section of the Official Plan are identified on Schedule A7, Schedule A8, Schedule A9, Schedule A10 and Schedule A11, which are attached hereto and form part of this Official Plan;
- b) In addition to the identified Schedules and the following text, this Secondary Plan also includes the following appendices:
 - i. Appendix A – 2018 Neighbourhood Demonstration Plan and Active Transportation Plan
 - ii. Appendix B – 2018 Land Use Budget
 - iii. Appendix C – 2024 Urban Design Guidelines
 - iv. Appendix D – August 2019 Natural Heritage Mapping
 - v. Appendix E – 2017 Cultural Heritage Resource Assessment Report
- c) The East Fenwick Secondary Plan provides policies for the implementation of a community that is consistent with Provincial, Regional and local plans and policies. The community is planned to protect its natural heritage system, support the economic growth of Fenwick, and further enhance Fenwick's village character while establishing a pedestrian and cyclist friendly, compact and sustainable community. Appendices A and B are included as demonstration plans on how the policies of this document can be implemented; and,
- d) The East Fenwick Secondary Plan area shall be developed over time in conjunction with the applicable policies of the Official Plan of the Town of Pelham. Where there is a conflict between the policies of this Secondary Plan and the Official Plan, the policies of this Secondary Plan shall apply.

B1.9.2. VISION

The East Fenwick Vision is based on the growth and development tenets found in the Town of Pelham's Official Plan to deliver a new community that:

"Supports and emphasizes Fenwick's unique character, diversity, civic identity, rural lifestyle and heritage features and to do so in a way that is positive on the quality of life and health for the citizens who live and work in Pelham."

Furthermore, the Vision for the East Fenwick lands is intended to encourage and manage development in a manner that delivers a vibrant and diverse community. Key components of the Vision reflected in the preferred land use plan include:

1. The enhancement of Canboro Road as a scenic "promenade" route linking Fenwick to Ridgeville and Fonthill through the implementation of a distinctive streetscape and built form character strategy;
2. The preservation and enhancement of the existing streetscapes through the implementation of a special residential character zone that seeks to maintain the village's character through the implementation of Fenwick's typical streetscape and built form character elements such as building setbacks, height and massing along all existing roads;
3. The development of a diverse, neighbourhood-scaled open space network that is sensitive and complementary to the site's existing natural features;
4. The development of a community with a diverse range of housing types and home-based business opportunities; and,
5. The implementation of a connected street system.

B1.9.3. NEIGHBOURHOOD STRUCTURE

- a) Schedule A7 identifies the planned neighbourhood structure. The neighbourhood structure is comprised of the following elements:
- i. Two Residential Neighbourhoods – Each of these Neighbourhoods is anchored by open space at its centre and planned to contribute to the overall housing mix and density targets of the ~~whole~~ community as a whole. Policies permit the introduction of employment in the form of live-work units, subject to the development of appropriate zoning and the availability of home occupation opportunities as well as institutional land uses within each neighbourhood;
 - ii. The Greenlands System – The Greenlands System is comprised of existing natural heritage features, linkages, public parkettes, trails and stormwater management facilities. The system contributes to the overall structure of the Plan; and,
 - iii. The Street System – The Street System is comprised of an internal north south collector system intended to facilitate pedestrian, cycling and vehicular movement. -The Street System extends into existing roads intersecting the study area, such as Sunset Drive, and delivers an internal street system that connects Welland Road to Memorial Drive.
- b) Schedule A11 demonstrates lands within the *Built Boundary* and the *Greenfield Overlay Areas*. The approach to the Secondary Plan has been to complement the Village of Fenwick's existing character and associated built and cultural heritage.
- Per Policy B1.1.10.3 of the Town's Official Plan, the following density requirements shall be met:
- i. Lands within the Greenfield Overlay Area are subject to Town of Pelham minimum density of 20 units per hectare to meet the

Commented [ML1]: Or "identifies"?

Commented [FB2]: Cultural heritage resources is the defined term in the NOP, which includes built heritage, cultural heritage landscapes and archy resources. Fine to stay separate if this is consistent with the Pelham OP terminology. The definition in the NOP comes from the Greenbelt Plan.

Commented [ML3]: Note that Schedule A11 refers to B.1.1.1.0.3. I believe this may be a typo. I believe the intention is to refer to B1.1.10.3 as referenced here.

required minimum density of 50 persons and jobs per hectare and

Commented [ML4]: Could consider adding "as measured across the entire Designated Greenfield Area"

- ii. Lands within the Built Boundary Area are subject to a density range of 8 to 15 units per net hectare to contribute to the Town's overall intensification target.

B1.9.4. PLAN OBJECTIVES

B1.9.4.1. General Development Objectives

These development objectives provide the framework for the planning and development of public and private lands within the Secondary Plan Area. The objectives will be implemented through the mechanisms set out in this Plan, including the implementing Zoning By-law and Site plan Approvals.

Introduction to Neighbourhood Structure design objectives:

Commented [ML5]: Is it necessary to include "Introduction to" ?

- a) To deliver a land use and community structure that supports the economic well-being of Fenwick's existing historic downtown area as defined by significant built heritage resources and cultural heritage landscapes;
- b) To ensure the community is developed in a compact sustainable manner that responds to the community's existing natural, cultural and servicing context;
- c) To develop a land use pattern that protects Fenwick's village character by ensuring that a land use transition is implemented along all existing roads;
- d) To create a sense of identity and community by ensuring the implementation of neighbourhoods that have a 2.5 to 5.0 minute walk to identifiable open space centres, based on an approximate 250 to 400 metres radius;
- e) To ensure there are residential housing options that promote lifecycle, and affordable housing opportunities, available to all existing and future residents;
- f) To conserve and enhance existing significant cultural heritage landscapes and built heritage resources as key character building elements to be integrated into the community's development;
- g) To ensure all new development occurs on the basis of full municipal infrastructure services, such as water and sewer, in addition to adequate utility networks;
- h) To phase development in a manner that is logical and cost effective without any undue financial burden to existing taxpayers and the surrounding farming community through the municipal review of servicing and transportation plans. The phasing of development within the Plan will be subject to the phasing and construction of municipal servicing infrastructure as identified in each particular development's required

Commented [FB6]: Support the integration of cultural heritage resources through this section. Consider adding archaeological resources as well, as a means of preserving the context underlying the built heritage resources.

servicing and traffic reports, and any reports required through future Draft Plan of Subdivision processes.

Greenlands Structure objectives:

- a) To conserve and protect the area's natural heritage system as an integral component of the community by providing clear and unobstructed visual and physical links to the Secondary Plan natural features;
- b) To ensure a connected Greenlands system is implemented and comprised of the existing natural features, stormwater management facilities, streets, trails, and public parkettes;
- c) To encourage active transportation by delivering a network of connected parkland amenities with multi-use trails within walking distance to the majority of the surrounding neighbourhood residents;
- d) To accommodate ~~for~~ passive and small active recreational opportunities such as natural playgrounds, as well as seating and walking areas as important community building components;
- e) To ensure stormwater management facilities are planned as essential Greenlands system components to be designed as special landscaped amenities that are publicly accessible;
- f) To encourage the integration and connectivity of existing natural features through the implementation of new linkages; and,
- g) To encourage the conservation and integration of existing hedgerow and woodland features into the community's overall design and development.

Street Structure objectives:

- a) To deliver complete streets in accordance to the Region's ~~C~~complete ~~S~~streets ~~Design Manual -G~~guidelines with a clear road hierarchy based on a connected modified grid network that accommodates for all modes of travel fundamental in the implementation of an identifiable, great community;
- b) To deliver complete streets with a unique functional rural cross section character in the implementation of a community with a strong village character;
- c) To preserve Canboro Road and Memorial Drive cultural heritage character through the implementation of a special character or Village Residential zone and site specific road solutions based on these roads constrained right of way width; and,
- d) To facilitate the implementation of a future transit network by ensuring the community's minor collector road transverses throughout the entire East Fenwick area. The network will allow for a 2.5 to 5-minute walk to a transit stop and the implementation of a future transit loop throughout the entire Village.

B1.9.4.2 Sustainability & Healthy Communities

The community design elements structuring the East Fenwick Secondary Plan Area are the physical land use planning manifestation of a strategy that seeks to achieve social, economic, and environmental sustainability.

B1.9.4.2.1 Development in the East Fenwick Secondary Plan Area is envisioned to achieve:

1. Social sustainability by encouraging a diverse community that offers a wide range of housing mix to a wide range of people with different backgrounds, age, lifestyles and socio-economic status;
2. Economic sustainability by continuing to encourage home occupation related employment and increasing the local population that can support Fenwick's downtown business community; and,
3. Environmental sustainability by focusing on maximizing support for climate action by lowering carbon emissions and delivering energy and water efficiency and circular systems.

B1.9.4.2.2 To achieve a sustainable and healthy community, the plan is envisioned to integrate key elements such as density, walkability, pedestrian and cycling routes, publicly accessible electric vehicle infrastructure, water efficiency infrastructure and landscaping and use of sustainable materials to maximize low carbon and low impact design.

B1.9.4.3 Affordable Housing

a) It is the objective of this Plan that a minimum of 25% of all new residential development within the East Fenwick Secondary Plan Area meet the Provincial and Regional definition of affordable housing. -The construction of affordable housing at initial development stages in an evenly distributed manner throughout the neighbourhood plan is highly encouraged.

Affordable housing may be achieved by:

- i. Supporting the construction of an alternative range of housing to include stacked townhouses, back-to-back townhouses or apartment buildings;
- ii. Encouraging larger size units in multiple forms to accommodate varying family sizes (i.e., 3-bedroom units);
- iii. Supporting construction of ~~secondary suites~~additional residential units and encouraging building design that allows for ~~addition of secondary suites~~additional residential units;
- iv. Supporting sustainability initiatives, such as passive design or green technologies (e.g. low flow toilets), that keep operating costs of the homes or buildings lower;
- v. Encouraging construction of condominium units with modest common element amenities to keep the housing and monthly condominium fees cost low; and,

Commented [ML7]: Could consider integrating language re- provision of a diverse range and mix of housing to meet housing needs at all stages of life.

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including *affordable* and *attainable housing*, will be planned for throughout *settlement areas* to meet housing needs at all stages of life.

2.3.1.5 New residential development and residential *intensification* should incorporate *universal design* standards to meet housing needs at all stages of life.

Commented [ML8]: Update language to align with Provincial and Regional terminology.

2.3.3.2 Local Area Municipalities shall permit up to two *additional residential units* as-of-right within new or existing residential development, subject to Provincial legislation and appropriate land use, size, and locational criteria.

- vi. Encouraging the construction of rental units in a range of unit sizes and unit types.
- b) The Town will work with other government agencies and the private sector to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing; and,
- c) Affordable housing is encouraged to be located in close proximity to local community facilities, existing or potential public transit routes and active transportation facilities.

Commented [ML9]: Relevant NOP policy:
 2.3.3.1 The following tools will be considered to support the development of *affordable and attainable housing*:
 d. the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;

Commented [AA10]: Pelham is currently receiving on-demand public transit, which provides door-to-door service.

B1.9.5. DESIGN POLICIES

B1.9.5.1. Neighbourhood Demonstration and Active Transportation Plans and accompanying Land Budget

- a) The Neighbourhood Demonstration and Active Transportation Plan and resulting land budget contained in appendices A and B illustrate one of the multiple variations in which the policies contained in this document can be site implemented. The intent of the Neighbourhood Demonstration and Active Transportation Plan is to promote an appropriate built form, streetscape and public realm within the Secondary Plan Area.

Commented [ML11]: I see that a previous iteration of the policies also included b and c as follows:
 B) The Neighbourhood Demonstration Plan is intended to act as a guide for successive development and approval processes that are required to implement this Plan such as zoning, Master Plans and Draft Plans of Subdivision/Condominium; and,
 C) All development within the East Fenwick Secondary Plan Area shall be generally consistent with the Neighbourhood Demonstration Plan attached to this Plan as Appendix A. Adjustments and further refinements to the street and block pattern shown in the Neighbourhood Demonstration Plan may be permitted if the intent and general design approach inherent to this Secondary Plan Vision, Objectives and Policies is maintained to the satisfaction of the Town.

Just confirming that they were intentionally removed.

B1.9.5.2. Urban Design Guidelines

- b) Urban Design Guidelines have been prepared to guide development (attached as Appendix C). The intent of the Urban Design Guidelines is to promote an appropriate built form, streetscape and public realm within the Secondary Plan Area. The Urban Design Guidelines function as an implementation tool for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium; and
- c) All development within the East Fenwick Secondary Plan Area shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C. -Adjustments and further refinements to the Urban Design Guidelines are anticipated and shall not require an amendment to this Plan, provided that the intent and general design approach inherent to the Plan Vision is achieved to the satisfaction of Town staff.

Commented [ML12]: Should it be a) and b) under Urban Design Guidelines?

B1.9.5.3. General Site Development Criteria

- a) The Town shall ensure that the following general site development criteria are implemented in all new development:
 - i. Buildings shall be street-oriented and provide direct street access for pedestrians;

- ii. Surface parking areas shall generally be sited to the side or rear of buildings, or, preferably below grade. The softening of the impact of surface parking through building orientation and landscaping treatments is required;
- iii. Residential driveway access and garage wall shall generally be set back from the living portion of the front façade or located at the rear of the building;
- iv. All new apartment development shall provide secure indoor bicycle parking and outdoor bicycle racks at their main entrance. In locations with minimal setbacks where there is insufficient space for bicycle racks at the main building entrance, bicycle racks may be provided at an alternate location in proximity to the entrance that is user-convenient and highly visible;
- v. Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, building design, massing articulation and landscape treatment;
- vi. High quality landscape treatment shall be provided throughout the Secondary Plan Area;
- vii. Building form and siting shall minimize the impacts of noise, wind and shadows on adjacent properties;
- viii. To ensure a gentler transition to Fenwick's rural character, higher density development shall generally be located towards the centre of the Secondary Plan Area adjacent to public open space areas to minimize the building massing and presence on the existing streetscape;
- ix. Loading areas and outdoor fully enclosed refuse collection areas shall be unobtrusive and screened and shall be located at the side or the rear of buildings; and,
- x. Rooftop equipment shall be unobtrusive, architecturally incorporated into the design of the building and/or screened from view.

B1.9.5.4. Crime Prevention Through Environmental Design (CPTED)

- a) The Town will promote building and site design that assists in the reduction of incidence of crime through the implementation of Crime Prevention Through Environmental Design (CPTED) principles including natural surveillance, natural access control, territorial reinforcement and space assessment; and,
- b) The Town shall have regard for the principles of CPTED in their review of all development applications.

B1.9.5.5. Sustainable/Green Building Design

- a) The overall development pattern within the Secondary Plan has been developed to encourage the following sustainable community design principles:

- i. Street orientation to maximize passive solar gain and pedestrian comfort on streets;
- ii. Shorter block lengths to encourage pedestrian permeability;
- iii. Conserve, protect and integrate natural features within the Plan as an integral part of sustainably responding to the context by:
 - Conserving the natural heritage system;
 - Integrating hedgerows and appropriate woodlands into the community's open space and streets system;
- iv. Street standards that encourage the retention of existing tree canopy with special consideration for the Plan's identified scenic roads of Canboro Road and Memorial Drive;
- v. Implement street standards that encourage a tree canopy and a green infrastructure approach to improve stormwater capture and reuse and maintain and enhance the area hydrological features and functions;
- vi. Support the choice of native planting materials and xeriscaping to address summer/winter conditions and reduce water consumption;
- vii. Support circular water and energy system opportunities to reduce water consumption;
- viii. Encourage the implementation of Electric Vehicle infrastructure in a manner that allows for future increased uptake throughout the neighbourhood at all public spaces;
- ix. Encourage a broadband network throughout the community that will use technology applications to support air quality and net zero neighbourhoods by efficient and low carbon transportation, signalization, work at home and energy and water efficiency opportunities;
- x. Support night sky lighting;
- xi. Encourage opportunities for community-based initiatives such as car-pooling, community composting, waste reduction, educational and stewardship programs; and,
- xii. Include renewable energy strategies ~~and that~~ are designed to support net zero building techniques, restoring as much energy as they consume.

b) The Secondary Plan shall encourage the following green building design and sustainability requirements:

- i. New buildings achieve a 20% or greater water conservation efficiency than required by the Ontario Building Code;
- ii. New buildings, with the exception of residential buildings containing less than 25 dwelling units, to achieve the following sustainability requirements:
 - a. LEED Silver, or equivalent, prior to and including 2021; and
 - b. LEED Gold or equivalent from 2022 up and beyond 2031.

- iii. New development to be built to the following requirements standards for sustainability:
 - a. Grade related (3 storeys or less) residential buildings achieve a minimum performance level that is equal to ENERGY Star U standards; and,
 - b. Mid-rise (4 storeys and greater) residential buildings shall be designed to achieve greater energy efficiency than the Model National Energy Code for Building.
- c) The Town shall encourage and support public and private partnerships and pilot projects for net zero water and energy systems that support climate action greenhouse gas reductions.

B1.9.6. PHASING POLICIES

1.9.6.1 Development shall be phased to provide for continuous, orderly extension of the community to ensure the most efficient and economic use of the existing and proposed infrastructure. The following phasing criteria shall be considered in the review of all development applications:

- i. The development contributes to, or can be appropriately integrated within the logical sequence of construction of all required sewer, water, storm water, active transportation and other community facilities;
- ii. The development satisfies all requirements regarding the provision of parkland and other facilities; and,
- iii. The development implements any relevant findings of the studies required by the Official Plan and this Secondary Plan.

B1.9.7. LAND USE DESIGNATIONS

- a) Land use is divided into two Residential Neighbourhood and four Greenlands System designations to include a Special Policy Area Overlay as shown in Schedule A10 with policies established for each category. The categories include:

The Residential Neighbourhoods designations:

- i. Village Residential
- ii. Neighbourhood Residential

The Greenlands System includes:

- i. Natural Heritage System
- ii. Special Policy Area
- iii. Environmental Linkages
- iv. Open Space / Parkette
- v. Stormwater Management Facilities

Commented [ML13]: Or "and includes a special policy area" ?

- b) The boundaries of land use designations, as shown on Schedule A10, are intended to be general and approximate, unless they coincide with an existing road, lot line, a prominent physical feature and/or relate to studies approved by Town or Conservation Area staff. Adjustments to the location of land use boundaries may be permitted without the need for an Official Plan Amendment provided the general intent of the Official Plan and this Secondary Plan are maintained and all required technical reports supporting the revision of land use boundaries are completed to the satisfaction of Town. Similarly, adjustments may be made in the location of streets, trails and bikeways provided the intent of the Secondary Plan is maintained to the satisfaction of the Town.

B1.9.8. RESIDENTIAL USES

B1.9.8.1. Intent

It is the intent of the Town to promote the development of compete communities through an appropriate housing mix, opportunities for home occupation related employment and a pedestrian oriented street design. The two neighbourhoods shall be connected to the Greenlands System.

B1.9.8.2. General Policies

- a) In order to achieve the minimum density targets of this Plan, the Town will not approve any development application that compromises the ability for the Town to achieve the identified density targets throughout the East Fenwick Secondary Plan Area. As such, prior to the approval of any application for Plan of Subdivision and/or Zoning By-law Amendment, the proponent shall demonstrate how the proposed development contributes to the density targets of the Plan;
- b) Prior to the approval of any development application, proponents shall provide a housing mix and density plan that geographically distributes built form/ housing types, lot sizes and densities based on the objectives and policies of this Plan, demonstrated through a plan of subdivision and planning justification report;
- c) Proposed development within the Secondary Plan Area shall generally conform to Appendix C – Urban Design Guidelines. If, in the opinion of the Town, the proposed street and block layout significantly departs from the design intent, the applicant shall be required to justify the proposed changes in the Planning Justification Report and accompanying explanatory Urban Design Brief, to be submitted at the time of submission of development application.
- a. Urban Design Brief – The Urban Design Brief will provide a detailed description of the proposed new Draft Plan Vision to

Commented [ML14]: Is this only applicable to subdivision applications?

Commented [ML15]: Should this be a roman numeral rather than a)?

include road, block, land use, open space and streetscape components. Ultimately, the purpose of the Urban Design Brief is to demonstrate how the proposed Draft Plan implements the East Fenwick Secondary Plan Vision.

- d) Subject to the findings of the Environmental Impact Study required in Policy B1.9.9.3 to reduce or remove natural heritage features, any land use changes proposed for the Special Policy Area Overlay will require the applicant to undertake the studies/updates outlined in Policy B.1.9.8.2 e);
- e) Notwithstanding general compliance with Secondary Plan policies, technical supporting studies will be required as part of the Town's development proposal process for all development applications. Technical supporting studies, which can be based on the "Transportation Assessment" and "Municipal Servicing Conceptual Design" reports accompanying this Secondary Plan, are to include, but are not limited to:
 - i. Municipal Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public/private utilities;
 - ii. Transportation Plan shall include, but shall not be limited to, technical details regarding the traffic conditions and implementation strategies proposed to accommodate for development;
 - iii. Environmental Impact Study to include the assessment of lands within and adjacent the Natural Heritage System and Special Policy Area Overlay identified in this Plan (refer to Town Official Plan policies B3.2.4.3 and B3.3.4.3).
- f) Within the Neighbourhood Residential designation, increases in density may be permitted to the satisfaction of the Town without Amendment to this Plan, subject to:
 - a. A test of functional servicing compatibility addressing all water, wastewater, stormwater through an update to the Municipal Servicing Plan;
 - b. A Traffic Impact Study demonstrating traffic impacts and requirements; and,
 - c. An Urban Design Brief to demonstrate how the proposal implements this Plan's Urban Design Guidelines and overall Vision intent.

B1.9.8.3. Village Residential

B1.9.8.3.1. Permitted Uses

- a) The following uses are permitted within the Village Residential designation:
 - i. Single detached and semi-detached dwelling units;

- ii. Accessory apartments/~~secondary units~~additional residential units;
- iii. Accessory buildings and structures related to the primary residential dwelling unit;
- iv. Home occupations subject to Policy B1.1.6;
- v. Places of worship;
- vi. Retirement housing;
- vii. Day nurseries;
- viii. Open space linkages;
- ix. Community meeting spaces;
- x. Public uses; and,
- xi. Public and private utilities.

Commented [ML16]: I sent an email on February 27 regarding seniors housing/retirement housing terminology for your consideration

- b) In addition to the permitted uses identified above, street and block townhouses may be permitted provided garage areas are not visible from the public right of way in accordance with this Plan and accompanying Urban Design Guidelines.

Commented [ML17]: Or "in policy B1.9.8.3.1 a)" for extra clarity

B1.9.8.3.2. Development Policies

- a) For single detached lots density shall range from a minimum of 8 units per net hectare, up to 20 units per net hectare;
- b) For semi-detached lots density shall range from a minimum of 20 units per net hectare, up to 40 units per net hectare;
- c) Permitted street townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare, up to 50 units per net hectare;
- d) Built form siting along the Plan's perimeter and Canboro Road should be in keeping with existing setback parameters;
- e) Residential buildings along Canboro Road shall minimise their garage and driveway presence onto the streetscape as outlined in the Urban Design Guidelines;
- f) The maximum residential building height for any building within the Village Residential designation shall be 2.5 storeys; and,
- g) Places of worship and day nurseries shall only be permitted within the Village Residential designation through a Site-Specific Zoning By-law Amendment process provided that they:
 - i. Have a minimum lot size of 0.75 of a hectare;
 - ii. Are compatible with adjacent properties in terms of aesthetics, privacy, sun shadowing, noise and/or other impacts; and,

- iii. The landmark or steeple component of a Place of Worship may be permitted to exceed the 9 metres height limitation, subject to approval by the Town, through the required Site-Specific Zoning By-law Amendment process.

B1.9.8.4. Neighbourhood Residential

B1.9.8.4.1. Permitted Uses

- a) The following uses are permitted within the Neighbourhood Residential designation:
 - i. Single detached and semi-detached dwelling units;
 - ii. All forms of townhouse and multi-attached units;
 - iii. 4 to 6 storey apartment buildings;
 - iv. Accessory apartments/~~secondary~~ additional residential units;
 - v. Live-work units;
 - vi. Retirement housing and/or special needs housing;
 - vii. Accessory buildings and structures related to the primary residential dwelling unit;
 - viii. Home occupations subject to Policy B1.1.6;
 - ix. Places of worship;
 - x. Day nurseries;
 - xi. Parks, parkettes and open space linkages;
 - xii. Community Amenity buildings;
 - xiii. Public uses; and,
 - xiv. Public and private utilities.

Commented [ML18]: The terms multi-attached, multiple-attached and multi-unit buildings have all been used. Recommend using a consistent reference (assuming these are all interchangeable). In the NOP, we use multi-unit residential building.

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B1.9.8.4.2. Development Policies

- a) For single detached lots density shall range from a minimum of 18 units per net hectare, up to 30 units per net hectare;
- b) For semi detached lots of density shall range from a minimum of 20 units per net hectare, up to 50 units per net hectare;
- c) Permitted street and block townhouse as well as multiple-attached dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare, up to 60 units per net hectare;
- d) Small scale apartment buildings shall be developed at densities ranging from a minimum of 73 units per net hectare, up to 120 units per net hectare;
- e) The maximum building height for any building within the Neighbourhood Residential designation located internal to the community shall be 6 storeys and may include a 4.5 metre minimum ceiling height requirement on the ground floor to accommodate live-work units;

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- f) The maximum building height for any building within the Neighbourhood Residential designation with frontage onto Canboro Road, Welland Road and/or Cream Street shall be 4 storeys;
- g) Places of worship and day nurseries shall only be permitted within the Neighbourhood Residential designation through a Site-Specific Zoning By-law Amendment process provided that they:
 - i. Have a minimum lot size of 0.75 of a hectare;
 - ii. Are compatible with adjacent properties in terms of aesthetics, privacy, sun shadowing, noise and/or other impacts;
 - iii. Are located near the intersection of two public roads, at least one of which is a Collector Road; and,
 - iv. The landmark or steeple component of a Place of Worship may be permitted to exceed established height limitations, subject to approval by the Town, through the required Site Specific Zoning By-law Amendment process.
- h) Live-work uses shall only be permitted within the Neighbourhood Residential designation through a Site-Specific Zoning By-law Amendment process provided that they:
 - i. Are limited in size to 150 square metres per live-work unit
 - ii. Are compatible with adjacent properties in terms of aesthetics, privacy, noise and/or other impacts;
 - iii. Are located near the intersection of two public roads; and,
 - iv. Are located near or at the centre of the neighbourhood, within a 2.5-minute walk from the majority of residents.
- i) Development on the basis of garage and driveway access from public or private lanes is encouraged, and may be required where dwelling units front onto a Minor Collector Road, a Linkage, or a linear park. Development on the basis of garage and driveway access from public or private lanes may be permitted where dwellings front onto a Local Road, subject to confirmation of the technical requirements by the Town;
- j) Neighbourhood Residential development that abuts lands designated Village Residential shall be designed to:
 - i. Ensure compatibility to Village Residential areas through deeper lots;
 - ii. Ensure compatibility ~~with~~ Village Residential areas through the conservation, when present, of the existing tree canopy in the form of a landscaped buffer, which shall be a minimum of 10 metres in depth;
 - iii. Increased setbacks;
 - iv. The provision of landscaped buffers when backing onto Village Residential areas;
 - v. The provision of clearly demarcated vehicular and pedestrian access points; and,

Commented [ML19]: Should this be "units"?

vi. The provision of screened parking areas located behind the principal building with limited exposure to adjacent public roads.

k) Schedule A10 identifies symbolically (with the use of an asterix) the potential location for multi-unit buildings. These locations have been chosen due to their landmark, gateway role as well as their proximity to large open space areas. It is important that future development on these sites facilitates strong view terminuses across the Plan Area, accentuates the Greenlands system rather than detracts from it, and maximizes visual prominence and anchoring of the buildings along street axes. To achieve this, in general proximity to that symbol, a multi-unit building may be developed subject to appropriate zoning and the following criteria:

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- i. The site is located along public roads;
- ii. The site does not exceed 10,000 square metres in size;
- iii. Any proposed building at the corner of Cream Street and Canboro Road shall be designed as a priority lot that fits with Fenwick's Village character; and,
- iv. Apartment buildings located within the Residential Neighbourhood lands that are more than 4 storeys in height shall be designed following the angular plane strategy of this Plan's Urban Design Guidelines of Appendix C.

l) Apartment buildings shall be designed to ensure development compatibility with the surrounding existing and future-planned built forms. Site design considerations may include:

- i. Increased setbacks;
- ii. Sensitive building siting;
- iii. Provision of landscape buffers;
- iv. Angular planes or other mechanisms that control the scale of development;
- v. The requirement for structured parking and/or the provision of parking areas that do not dominate the site physically and visually from the public right of way;
- vi. Bicycle parking is provided in areas that are located near a building access, are protected from the weather, are safe and well illuminated, and do not obstruct the public sidewalk;
- vii. Bicycle parking is provided at a minimum of 1 space per unit plus 0.5 visitor/short term spaces per dwelling unit;
- viii. The location, pattern and style of entranceways, windows, balconies and other architectural details ensure matters of character fit, oversight and privacy are addressed; and,
- ix. The location, pattern and style of loading bays and refuse containers ensures these areas internal to the site, and are not visible from the public right of way.

B1.9.9. THE GREENLANDS SYSTEM

The East Fenwick network of green land spaces is made up of the area's existing Natural Heritage System, a series of interconnected small neighbourhood parkettes, environmental linkages, active transportation network and trails, and stormwater management areas. The proposed open space network encourages active transportation, recreation, and opportunities to connect to the natural heritage system and the neighbourhood's open space amenities as an integral part of the neighbourhood design. The Greenlands System recognizes natural heritage features and their associated functions and seeks to maintain connections between and among them, so that their existing ecological and hydrological functions are maintained or enhanced, where possible.

Note: The East Fenwick Secondary Plan, specifically its environmental mapping, reflects significant investment from landowners in Environmental Impact Studies (EIS's) that cover portions but not all of the Plan Area. Areas where existing studies have been conducted reflect the regulatory standards of the approvals framework that existed at time of their completion. Because of this, more explicit policy direction is provided for these portions of the Plan Area relative to others. It is important to note that policy provisions included in this Secondary Plan reflect the regulatory standards in place at time of application, and future development may be held to different standards of environmental review as these regulations evolve over time.

B1.9.9.1. Intent

- a) It is the intent of the Town to establish a linked Green Lands System that also acts as a fundamental community structure element for the East Fenwick Secondary Plan;
- b) The Green Lands System, as identified on Schedule A8, is comprised of the following components and associated buffers:
 - i. Natural Heritage System
 - ii. Special Policy Area Overlay
 - iii. Environmental Linkages
 - iv. Stormwater Management
 - v. Open Space/Parkette
- c) The inclusion of all the associated elements and related activities into an interconnected Greenlands System will protect and enhance the natural heritage system and its associated functions and expand the recreational opportunities available to residents;
- d) Linkages through the implementation of corridors provide important connections between natural heritage features. Linkages and corridor connections shall be reviewed as part of an Environmental Impact Study

(EIS). Where identified through an EIS or other natural heritage study or plan, linkages and corridors shall be incorporated into development plans and protected through use of an appropriate zone in the Town's Zoning By law.

- e) As part of a future development application, additional scoped Environmental Impact Study (EIS) work is required to address environmental restoration matters relating to the overall area, location and composition of the restoration required to accommodate the proposed storm water management facility located at the south-west corner of Welland Road and Cream Street.

B1.9.9.2. Natural Heritage System

- a) The Natural Heritage System designation recognizes the limits and associated minimum buffers of the Provincially Significant Wetland.
- b) The Natural Heritage System designation recognizes environmental features defined through an Environmental Impact Study (EIS).
- c) The ecological and hydrologic functions of the lands designated Natural Heritage System shall be protected, maintained, or, where possible, improved for the long-term, recognizing linkages between and among natural heritage features and areas. The Natural Heritage System designation is intended to:
 - i. Protect the health and water quality of the natural heritage feature;
 - ii. Conserve biodiversity;
 - iii. Protect significant natural heritage features and their associated functions; and
 - iv. Protect surface and ground water resources.
- d) The lands designated Natural Heritage System on Schedule A8 are also subject to Section B3.2 of the Official Plan.

B1.9.9.3 Special Policy Area Overlay

- a) The Special Policy Area Overlay recognizes natural heritage features, which contribute to the Natural Heritage System.
- b) Additional environmental study is required to determine the exact boundaries and buffers to protect the features and functions to the satisfaction of the Town and Region.

- c) The proponent shall be required to submit an **EIS** as part of any future development application to demonstrate that, over the long term, there will be no significant negative impact on the natural heritage features or their functions. The scope and content of the EIS shall be determined through the development of a Terms of Reference in consultation with the Town, Region and the NPCA.
- d) Should it be demonstrated that a natural heritage feature may be reduced or removed, the proponent shall incorporate portions of the feature into development plans, where feasible, to the satisfaction of the Town.
- e) Should the feature be reduced in size, the adjacent land use designation shall apply.
- f) The lands with the Special Policy Area Overlay on Schedule A8 are also subject to Section B3.3 of the Official Plan.

Commented [ML20]: Recommend using a consistent reference. Sometimes its EIS, other times its spelled out.

B1.9.9.4 Environmental Linkages

- a) The Environmental Linkages designation recognizes the importance of providing ecological corridors connecting identified Greenlands areas throughout the Secondary Plan Area.
- b) Environmental Linkages shall be established consistent with Section 3.1.17 of the Niagara Region Official Plan.
- c) Notwithstanding Section 3.1.17 of the Niagara Region Official Plan (Linkages), these areas shall be landscaped with native plantings to the satisfaction of the Town in a way that reinforces an ecological corridor consistent with the significant features it is connecting.
- d) Environmental Linkages shall integrate ~~LID~~ **Low Impact Development** measures where possible to contribute to the overall storm water management strategy.
- e) Environmental Linkages will be dedicated to the Town at time of subdivision.

B1.9.9.5 Open Space / Parkette

- a) The policies applicable to the lands designated Open Space / Parkette on Schedule A8 are found in Section D5.4 of the Official Plan. In addition to the policies of Section D5.4, it will be required that Parkettes are located at the centre of each neighbourhood as identified in **Schedule A7**, a minimum of two (2) parkettes shall be provided

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Commented [ML22]: Note that the legend for A7 only references Open Space. All the other schedules say Open Space / Parkette. Also note that on Schedule A10, the Open Space / Parkette areas are not labelled 1 and 2 like on the other schedules.

across the plan area to ensure easy access and multiple opportunities for rest, relaxation and access to nature;

- b) Amendments to this Plan's Greenlands structure and resulting trail system / active transportation network shall be completed to the satisfaction of the Town in consultation with the Pelham Active Transportation Committee; and
- c) The following policies apply to the establishment of parkettes:
 - i. A parkette shall generally have a minimum frontage on the abutting sidewalk of 20 metres, and a minimum depth of 30 metres with a minimum area of 0.4 of a hectare and shall be generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C;
 - ii. Parkettes shall be designed to reinforce a high-quality relationship between the public right of way and surrounding land uses as a component of the Greenlands System; and,
 - iii. Parkettes shall incorporate/include existing vegetative features such as hedgerows and non-significant woodlots as part of their design; and,
 - iv. Landscape elements and features within the parkettes shall be designed to define and articulate activity areas, circulation, entry points, seating and gathering areas.
- d) Parkettes that are less than 0.4 of a hectare shall generally not contribute to the Town's parkland dedication requirements and shall generally not be required or accepted by the Town. The Town may, however, consider accepting parkland parcels that are less than 0.4 of a hectare without Amendment to this Secondary Plan, subject to the specific approval by Council that is based on an understanding of the specific land parcel's contribution to the overall public parkland system within the East Fenwick Secondary Plan Area.

B1.9.9.5.1 Parkland Conveyance Reduction

- a) Parkland conveyance requirements may be reduced under the following circumstances, subject to approval by Council:
 - i. When land is developed for long term care facility use, as defined by the Province, a maximum of 2% of the total land area shall be conveyed to the Town;
 - ii. When the proposed development is being undertaken by a public-sector organization the parkland conveyance requirement may be eliminated or reduced at the discretion of Council;
 - iii. When land is developed to include affordable housing units, as defined by the Province, the conveyance requirement may be eliminated or reduced proportionate to the number of affordable units provided, at the discretion of Council;

Commented [ML23]: Some of the policies listed as a) b) c) end in periods and others have semi-colons (and "and").

Not sure if the "and" is necessary here.

- iv. When the proposed development is being undertaken by a not-for-profit organization, as defined by the Province, the parkland conveyance requirement may be eliminated or reduced at the discretion of Council; and/or,
- v. When a development proposal includes a property designated or listed under Part IV or V of the Ontario Heritage Act or listed on a Municipal Heritage Register under Section 27 of the Ontario Heritage Act, or that has otherwise been recognized as a significant cultural heritage landscape, or built heritage resource or archaeological site, and the proposal incorporates and conserves a cultural heritage resource(s) to Town satisfaction, a parkland conveyance reduction of 50% of the applicable conveyance requirement for that specific property may be applied.

Commented [FB24]: What is the property includes built heritage, landscape and archy?

B1.9.9.6 Stormwater Management Facilities

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- a) The policies related to stormwater management facilities within the East Fenwick Secondary Plan Area are found in Section C6 of the Official Plan. Their general location is conceptually shown in Schedule A8;
- b) General objectives for stormwater management facilities within this Secondary Plan Area are:
 - i. To maintain, and where possible, improve the health and condition of the receiving/adjacent watercourses;
 - ii. The achievement of no net increase in stormwater run-off from the Secondary Plan Area to adjoining lands;
 - iii. To maintain, and where possible, improve the quality of stormwater entering surface and groundwater supplies; and,
 - iv. To promote the use of naturalized methods of stormwater management.
- c) In addition to those policies, the following policies apply within the East Fenwick Secondary Plan Area:
 - i. The Plan's stormwater management facilities shall be permitted in all land use designations within the East Fenwick Secondary Plan Area, except for Natural Heritage System lands, their general location shown in Schedule A8;
 - ii. Notwithstanding the above, the stormwater management facility located south of Welland Road at Cream Street is permitted within the Natural Heritage System provided the facility is designed to the specifications agreed upon by the Niagara Region and Niagara Peninsula Conservation Authority;
 - iii. Stormwater management facilities may be permitted in Special Policy Area designations without the need for a further Amendment to this Plan, subject to the policy direction provided

Commented [ML25]: Should this be, "In addition to the policies of Section C6 of the Official Plan"?

Commented [ML26]: Or could clarify "policy B1.9.9.6 c) i"

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in this Plan, including the preparation of an Environmental Impact Study (EIS) to the satisfaction of the Region in consultation with the Town and the NPCA showing no negative impact to feature or function;

- iv. Stormwater management facilities will be designed as essential components within the open space network and be publicly accessible where appropriate;
- v. Stormwater management facilities will blend with the natural landscape, organic shapes and landform grading designed to replicate natural landforms in the area while being safe to visitors. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone;
- vi. Stormwater management facilities will not be fenced, but rather will be designed with trails and interpretative signage;
- vii. Stormwater management facilities shall be provided with high quality landscaping designed by a qualified Landscape Architect; and,
- viii. Stormwater management facilities shall be designed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

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B1.9.9.6.1 Stormwater Management Design Criteria

- i. In order to avoid the negative impacts of flooding in the downstream watershed, all new development post development peak stormwater flows shall be attenuated to pre-development conditions for up to and including the 100-year return period design storm event.
- ii. Adequate and safe minor and major storm conveyance systems shall be required for all new development.

Commented [DM28]: Water quality control is missing. Stormwater from all new development be captured and treated to an Enhanced standard (i.e. 80% long-term suspended solids removal).

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B1.9.9.6.2 Low Impact Development Design

- a) With the goal of replicating the existing hydrologic regime, the Town shall encourage the implementation of Low Impact Design Standards that emphasize the use of bio-swales, innovative stormwater practices, and at-source infiltration, in order to contain stormwater runoff from the 90th percentile storm (25mm) on site;
- b) With the goal of minimizing the negative impacts of urbanization on the area's natural heritage features, the Town shall encourage treating stormwater runoff to an Enhanced standard (the highest standard as prescribed by the Ministry of the Environment, Conservation, and Parks);
- c) With the goal of adapting to climate change and mitigating the impacts of severe storm events, the Town shall encourage the following;

Commented [DM29]: Is it a Town's document? Or it refers to the MECP 'Low Impact Development Stormwater Management Guidance Manual' ?

Commented [DM30]: ...encourage Low Impact Development methods treating stormwater runoff or being treatment train to an Enhanced standard

- i. Include robust major overland flow routes through all new development to reduce the risk of overland flooding.
 - ii. New development should be designed to minimize the risk of basement flooding from groundwater infiltration.
 - iii. Heating, ventilation, and air conditioning (HVAC) and electrical systems should be well elevated from the basement floor or located above grade.
 - iv. If the home foundation drain connects to a storm sewer, a backwater valve should be installed on the storm sewer lateral to prevent stormwater from backing up into the basement if the storm sewer is overloaded.
 - v. If the home foundation does not connect to a storm sewer, a primary and back-up sump pump should be installed complete with a back-up power system.
 - vi. Driveways should be built to slope away from homes or garages (i.e. reverse slope driveways should not be permitted).
 - vii. Consideration should be given to increasing the capacity of all new storm infrastructure by a minimum of 25% to account for more frequent and severe rainfall events.
 - viii. Consideration should be given to implementing a minimum building setback from all mapped floodplains to account for more severe rainfall events.
- d) The Town shall encourage the introduction of green infrastructure, such as bioswales, within the street rights-of-way to enhance ground water infiltration and improve water quality as part of a comprehensive water management plan;
- e) The Town shall encourage a rainwater harvesting program to provide the passive irrigation of public and/or private greenspace, including absorbent landscaping, landscaped walls, cisterns, rain barrels, underground storage tanks and/or infiltration trenches; and,
- f) The Town shall encourage xeriscaping using native, drought-tolerant plants, a cost-effective landscape method to conserve water and other resources on a community-wide level.

B1.9.10. ENVIRONMENT AND GROUNDWATER MANAGEMENT POLICIES

- a) The policies related to the environment and groundwater management within the East Fenwick Secondary Plan Area are found in Section C5 of the Official Plan and

Commented [ML31]: I don't think this "and" is necessary given how b) is worded

- b) In addition to Section C5 of the Official Plan, development applications may need to be supported by a Hydrogeological or Hydrological Report as determined by the Town and Region at the time of pre-consultation. The purpose of the report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:
- a) How to maintain or enhance the quality and quantity of the water resource;
 - b) How to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
 - c) How to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
 - d) How to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
 - e) Whether it is required to monitor water budgets for groundwater aquifers and surface water features; and;
 - f) How to ensure that the quality of the watercourses affected by the development are maintained; and,
 - g) How to control or manage the risk of flooding or erosion.

B1.9.11. GENERAL DEVELOPMENT AND INFRASTRUCTURE POLICIES

B1.9.11.1. **Water and Sewer Servicing Strategy**

- a) The policies related to water and sewer servicing within the East Fenwick Secondary Plan Area are found in Section D1.1 of the Official Plan;
- b) Notwithstanding Section D1.1 of the Official Plan, water and sewer servicing within the East Fenwick Secondary Plan Area shall be as follows:
 - i. A Master Servicing Plan, outlining preliminary functional water distribution, wastewater collection and stormwater management facilities, including designs and costs, will be prepared prior to the approval of any development within the Secondary Plan Area;
 - ii. All required infrastructure shall be constructed and sized to accommodate the full build-out of the Secondary Plan Area. As a result, some of the infrastructure required by one proponent may be oversized to service the larger area. Benefiting landowners shall be required to compensate provider

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- proponents, prior to development on the benefiting landowner's property through a cost sharing agreement;
- iii. All development within the Secondary Plan Area will proceed according to individual, site specific Drainage Plans and Servicing Plans based on the proposed Draft Plan of Subdivision and all other accompanying requirements set by this Plan by the proponent, to the satisfaction of the Town and the Region; and,
- iv. Development may be phased to coincide with the availability of servicing and financial capabilities necessary in the delivery of all required municipal services.

- c) Notwithstanding the policies contained in B1.9.9, a pumping station, if required, is permitted to be located within the Greenlands designation south of Welland Road at Cream Street, in accordance with the Regional Sewage Pumping Station Policy.

B1.9.11.2. Transportation

- a) The policies related to transportation within the East Fenwick Secondary Plan Area are found in Section D2 of the Official Plan;
- b) Notwithstanding Section D2.3 of the Official Plan, rights of way for new public roads within the East Fenwick Secondary Plan Area shall be as follows:
 - i. For Minor Collector Roads, the right of way widths shall be between 22.0 to 34.0 metres;
 - ii. For Local Roads, the right of way width shall be 16.0 to 20 metres; and,
 - iii. For Public or Private Laneways, the right of way width shall be 7.5 and 9.0 metres.
- c) Notwithstanding Section D2.3 of the Official Plan, right of ways for existing public roads within and bounding the East Fenwick Secondary Plan Area shall be as follows:
 - i. For Memorial Drive, the right of way width shall be between 20.0 and 22.0 metres;
 - ii. For Canboro Road, the right of way width shall be between 20.0 and 24.0 metres;
 - iii. For Welland Road, the right of way width shall be between 20.0 and 24.0 metres;
 - iv. For Balfour Street, the right of way width shall be between 20.0 and 22.0 metres; and,
 - v. For Cream Street, the right of way width shall be between 20.0 and 22.0 metres.

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- d) All roads within the East Fenwick Secondary Plan Area shall be developed to be consistent with the design intent illustrated in the Urban Design Guidelines attached to this Plan as Appendix C;
- e) Mid-block connectors should be strategically located throughout future developments to enhance active modes access to the Greenlands system;
- f) Mid-block connectors should be a minimum of 6.0 metres in width;
- g) In addition to those policies, the following policies apply to the trail system within the East Fenwick Secondary Plan Area:
 - i. A comprehensive trail system is conceptually identified on Schedule A8 and Appendices A and C. It is the intent of the Town to achieve this trail network through the appropriate processes required to facilitate the development of this Plan including an Environmental Impact Study process;
 - ii. The conceptual trail system includes trails within the natural heritage system (pending the outcome of an EIS), stormwater management facilities, linkages, open spaces and the road system;
 - iii. Adjustments and alternatives to the trails network identified on Schedule 8 shall be permitted subject to the Town being satisfied that the principle of connectivity and continuity of the system has been fulfilled;
 - iv. Trail design and type will be based on each site's sensitivity in order to mitigate impacts to the Natural Heritage System; and,
 - v. Trails for pedestrians and cyclists within the East Fenwick Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.
- h) Protection of the site's existing hedgerows and non-significant woodland areas shall be implemented through the conservation and integration of these features as an integral part of the community open space structure, generally visible from or as part of the public right of way or as rear lot conditions. The protection of the site's existing hedgerows and non-significant woodland areas shall also implement Low Impact Design features outlined Policy B1.9.9.6.1, where feasible; and,
- i) The Canboro Promenade, shown on Schedule A8/9, shall be implemented as private development extends east along Canboro Road. The objective of the Canboro Promenade is to implement a safe and comfortable pedestrian and cycling link along the north side of Canboro Road where the majority of new private development is expected to take place. The implementation and coordination of the Promenade will be undertaken as part of the Draft Plan of Subdivision process to ensure the required right-

of-way is secured through this process and shall be designed in accordance with the direction contained in Appendix C – Urban Design Guidelines.

B1.9.11.3. **Utilities**

- a) Ensure utility services such as hydroelectric power, communications/telecommunications, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of existing and future residents;
- b) The Town shall promote utilities to be planned for and installed in initial common trenches, below ground where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective and minimize disruption;
- c) Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. The Town will encourage utility providers to consider innovative methods for containing utility services on or within streetscape features such as gateways, lampposts, etc. when determining appropriate location for large utility equipment and utility cluster sites; and,
- d) Utilities location and screening within the East Fenwick Secondary Plan Area shall be developed generally consistent with the Urban Design Guidelines attached to this Plan as Appendix C.

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B1.9.11.4. **Heritage and Archaeological Resources**

- a) The policies related to the heritage and archaeological resources within the East Fenwick Secondary Plan Area are found in Section D4 of the Official Plan; and
- b) Notwithstanding Section D4 of the Official Plan, built heritage and cultural heritage landscapes within the East Fenwick Secondary Plan Area shall be conserved as follows:
 - i. Development applications ~~should shall~~ conserve significant built heritage resources and cultural heritage landscapes consistent with the Heritage resources identified in Appendix E.
 - ii. Development shall be planned to conserve Canboro Road and Memorial Drive as a significant cultural heritage landscapes.
 - iii. Development shall be planned to conserve significant built heritage resources and cultural heritage landscapes located at 1159 Cream Street, 655 Canboro Road, 645 Canboro Road, 1128 Cream Street and 646 Welland Street. Where impacts are expected to these properties, a Heritage Impact Assessment ~~should shall~~ be prepared in accordance with policies found in Section D4 of the Official Plan.

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Commented [ML32]: 6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.

Cultural Heritage Resources

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation (Greenbelt Plan, 2017).

Commented [ML33]: 6.5.1.5 Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

iv. Where impacts are expected to properties located at 704 Canboro Road, 695 Canboro Road, 606 Canboro Road, 607 Canboro Road, 615 Canboro Road, 668 Canboro Road, 675 Canboro Road, 687 Canboro Road, 688 Canboro Road, 691 Canboro Road, 1108 Cream Street, 1118 Cream Street, 1162 Cream Street, 578 Welland Road, 630 Welland Road, 663 Welland Road, a ~~H~~eritage ~~I~~mpact Assessment should be prepared in accordance with Section D4 of the Official Plan.

v. Designation of properties of cultural heritage value under the Ontario Heritage Act is encouraged.

iv-vi. Future development applications may trigger more detailed ~~Archaeology~~~~Archaeological~~ Assessments. Archaeological Assessment(s) shall be required on lands containing archaeological resources or areas of archaeological potential, where development and site alteration is proposed. First Nations shall be consulted by the proponent at the time of development application.

Commented [FB34]: 6.5.1.2 The Region encourages Local Area Municipalities to designate properties of cultural heritage value or interest, either individually or as part of a larger area or Heritage Conservation District, under the Ontario Heritage Act.

Commented [FB35]: 6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

B1.9.11.5. Subdivision of Land

- a) The policies related to the subdivision of land within the East Fenwick Secondary Plan Area are found in Section D5 of the Official Plan;
- b) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fenwick Secondary Plan Area:
 - i. It is the intent of the Town to ensure that Draft Plans of Subdivision are developed within a reasonable time frame. As such, the following statement shall be added to all Conditions of Draft Plan Approval:
 - A Draft Plan Approval ~~extension~~ may be extended pursuant to Subsection 51(33) or 51(32) of the *Planning Act*, but no extension can be granted once, or if, the approval has lapsed. If the owner wishes to request an extension to Draft Plan Approval, a written explanation must, together with a resolution from Council, be received by the Town of Pelham sixty days prior to the lapsing date; and a Draft Plan Approval extension will only be granted if, in the opinion of the Town, significant progress toward final approval has been achieved. Dormant Draft Plans shall not be considered for an extension of Draft Plan Approval.
- c) In addition to the policies of Section D5 of the Official Plan, the following policy applies to all lands within the East Fenwick Secondary Plan area:
 - i. For each of the two Residential Neighbourhoods, the Town encourages the benefitting landowners to work together, and to enter into a Developer's Group Agreement based on the requirements of this Plan;

Commented [ML36]: Note that NOP policy 7.11.1.5 provides direction on this. Part b) requires proponents to engage with First Nations and Indigenous communities at the earliest opportunity.

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- ii. It is intended that there be at least one Developer's Group Agreement for the Residential Neighbourhood north of Canboro Road and one for the Residential Neighbourhood between Canboro and Welland Roads;
- iii. It is recognized that in circumstances where there are multiple landowners, a singular Developer's Group Agreement may not be possible. To be considered a Developer's Group Agreement in fulfillment of the requirements of this plan, the Agreement must include a landowner or landowners that represent at least 50% of the redevelopment landholdings total area within the subject Neighbourhood;
- iv. If there is a landowner that represents at least 50% of the landholdings, the Town may enter into a Development Agreement with the landowner;
- v. Where undue delays are encountered with respect to execution of the required Developer's Group Agreements, the Town may, upon the request of an applicant landowner, attempt to resolve such difficulties or delays. Where resolution of such difficulties is deemed not possible by the Town, despite the Town's intervention, the Town shall approve alternative mechanisms to satisfy the intent of the applicable policies of this Plan;
- vi. If a benefitting landowner within a Residential Neighbourhood wishes to submit a development application and has been unable to obtain the necessary participation of other benefitting landowners through a Developer's Group Agreement, notwithstanding best efforts to do so, then:
 - The applicant landowner shall notify the Town in writing that it proposes to submit an application for development on its lands, or a portion thereof, without a Developer's Group Agreement;
 - The applicant landowner in said notice shall set out, in compliance with the provisions of this Plan that the development proposal can be accommodated on its lands, without the participation of other landowners or lands, appropriate urban development that implements the Neighbourhood Structure and policy intent of this Plan. The applicant landowner shall also elect in said notice, at its option, either to:
 - Enter into a Development Agreement with the Town in lieu of other benefitting landowners; or,
 - Enter into a Front-Ending Agreement with the Town in accordance with the provisions of Section 44 of the Development Charges Act, as amended.
 - The purpose of these alternative agreements shall be to ensure that a non participating, benefitting landowner cannot develop their lands without appropriate compensation to the

- applicant landowner for any expenditures that exceeds the amount required to develop the applicant landowner's lands, and is a direct benefit to a non-participating, benefitting landowner; and,
- Nothing in this policy compels the Town to enter into any agreements with any applicant landowner.
- vii. The Town, as appropriate, shall require the use of local Area-Specific Development Charge By-Laws or Front-Ending Agreements under the Development Charges Act, or other suitable arrangements among landowners, in order to implement the development of the Secondary Plan Area and to fairly allocate the costs of development. The Town shall ensure that stormwater facilities are included in any local Area-Specific Development Charges. Such agreements are intended to ensure that the necessary approvals and the required contributions of funds, lands and commitments for services will be in place and operative prior to, or coincide with the development and use of land. The Developer's Group Agreement and/or Front-Ending Agreement may deal with:
- Front-end or accelerated payment requirements;
 - Local services as permitted in Sections 44(1) and 59(2) of the Development Charges Act;
 - Matters to which the parties voluntarily agree; and/or,
 - Other matters permitted by law.
- viii. The Town must ascertain and be assured that a Developer's Group Agreement assigns cost sharing and other responsibilities in a reasonable and equitable manner, and, generally speaking, will do so in direct proportion that a development benefit is conferred upon the lands being developed. Subject to the appeal mechanisms identified in the *Planning Act* or the Development Charges Act, the issuance of final development approvals or the release of land for development, shall be subject to the execution of a Developer's Group Agreement and/or Front-Ending Agreement.

B1.9.12. PLAN IMPLEMENTATION AND ADMINISTRATION

- a. The policies applicable to plan implementation and administration within the East Fenwick Secondary Plan Area are found in Section E1 of the Official Plan.

B1.9.13. TRANSITIONAL FRAMEWORK

- a. Preparation of the East Fenwick Secondary Plan was undertaken alongside a concurrent development application originally submitted in

2017. Because of this, certain sections of the Plan Area will be regulated under policies and legislation that pre-date several substantial changes in the Town's planning landscape, including but not limited to:

- a. The 2022 Regional Official Plan;
 - b. The Provincial Policy Statement;
 - c. Changes to the Environmental Impact Study process and requirements; and
 - d. Amendments to the *Planning Act*.
- b. Notwithstanding the previous, the transitional policies of the 2022 Niagara Regional Official Plan and legislative framework applicable at the time of all future development applications in the Plan Area shall apply.

Commented [ML37]: Should this be "policy B1.9.13 a"

From: David Deluce <ddeLUce@npcA.ca>

Sent: Thursday, March 28, 2024 1:21 PM

To: Lindsay Richardson <LRichardson@pelham.ca>

Cc: Lindsey Morin (Lindsey.Morin@niagararegion.ca) <Lindsey.Morin@niagararegion.ca>

Subject: RE: East Fenwick Secondary Plan Comments

Hi Lindsay,

NPCA staff have reviewed the draft East Fenwick Secondary Plan and associated Schedules. We appreciate the work completed to date in this project by the Town, its consultant and local developers to address outstanding environmental concerns by the NPCA. NPCA staff are satisfied that these concerns have been appropriately addressed and have no objection to the draft policies and Schedules circulated to us on January 29, 2024.

Please let me know if you have any questions.

Best Regards,



David Deluce, MCIP, RPP
Senior Manager, Environmental Planning & Policy

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135

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ddeLUce@npcA.ca

From: Lindsay Richardson <LRichardson@pelham.ca>

Sent: Wednesday, February 21, 2024 9:18 AM

To: Morin, Lindsey <Lindsey.Morin@niagararegion.ca>; David Deluce <ddeluce@npca.ca>

Subject: East Fenwick Secondary Plan Comments

Good Morning,

Just wanted to check in with you both to see how you are making out with your review of the East Fenwick Secondary Plan.

The public meeting went really well last week, generally concerns were around water/drainage (as it has been the whole time), infrastructure improvements and traffic, but overall no real anti-development talk and a few people spoke in favour of the density and proposed mix of housing so we are taking that as a win!

We are looking to take a recommendation report to Council in April (I believe the 24th) so if you could have comments to me by the end of March it would be very much appreciated. We would be happy to facilitate a meeting if there are any questions or concerns with the draft plan as well – just let me know!

I look forward to hearing from you and appreciate your continued support with this plan!

Cheers,
Lindsay



Lindsay Richardson, MCIP, RPP

Policy Planner

Town of Pelham

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