

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

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Via Email Only

June 19, 2024

File Number: PLCS202400663

Sarah Leach

Deputy Clerk/Secretary Treasurer of the Committee of Adjustment

Town of Pelham

20 Pelham Town Square, P.O. Box 400

Fonthill, ON L0S 1E0

Dear Ms. Leach:

Re: Regional and Provincial Comments

Application Type: Consent

Town File Number: B11-2024P

Owner/Applicant: [REDACTED]

Location: 1395 Station Street, Pelham

Regional Growth Strategy and Economic Development staff have reviewed the consent application for 1395 Station Street in the Town of Pelham (“subject property”).

The applicant is proposed a consent for partial discharge of mortgage and consent to convey 1,173m² of land (“Part 1”) for future development. “Part 2” is to be retained for future development.

Staff note that a pre-consultation meeting attended by Regional staff, Town staff, the agent and the property owner was held on May 16, 2024 to discuss the future residential development proposed for the subject property.

The following comments are provided from a Regional and Provincial perspective to assist the Committee in their review of the application.

Provincial and Regional Policies

The subject property is located within a Settlement Area under the *Provincial Policy Statement, 2020* (“PPS”), designated Delineated Built-Up Area in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* (“Growth Plan”) and *Niagara Official Plan, 2022* (“NOP”).

The NOP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. NOP Policy 2.2.1.1 regarding development in urban areas outlines support for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods as part of managing growth.

Archaeological Potential

According to Schedule 'K' of the NOP, the subject property is located outside the Region's mapped area of archaeological potential. However, staff note that the property is identified as having archaeological potential in the Town's Heritage Master Plan. Provincial and Regional policies state that 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.

Regional staff have reviewed the *Stage 1 and 2 Archaeological Assessment* prepared by AS&G Archaeological Consulting (dated May 17, 2023). No archaeological resources were identified through the Stage 2 property assessment and it was determined that no further archaeological assessment of the property is required. Staff are in receipt of the acceptance letter from the Ministry of Citizenship and Multiculturalism (dated May 23, 2023) confirming that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review.

Based on the conclusions/findings of the *Stage 1 and 2 Archaeological Assessment*, Regional staff have no further archaeological requirements. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, staff offer the following archaeological advisory clause (to be included in future development agreements):

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C."

For additional information on archaeology in Niagara, please visit:
<https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>.

Site Condition

The subject property has historically been used for industrial purposes and the proposal will introduce a more sensitive (residential) use. In accordance to the *Environmental Protection Act, 1990* and Ontario Regulation 153/04 ("O. Reg. 153/04"), a change in use of this nature requires the filing of a Record of Site Condition ("RSC") on the Ministry of

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the Environment, Conservation and Parks' ("MECP") Environmental Site Registry to demonstrate that the site is suitable for this type of sensitive use.

Regional staff have reviewed the *Phase 1 and Phase 2 Environmental Site Assessment* (ESA) reports prepared by Oakhill Environmental Inc. (dated November 2022 and April 2023, respectively). Five Areas of Potential Environmental Concern (APECs) were identified in the Phase 1 ESA and further investigated through the Phase 2 ESA. The Phase 2 ESA identified contaminants in two distinct areas on the site, including the area west of the maintenance building and the grass areas along the northern property boundary. A supplemental investigation was recommended for these two areas of the site.

Accordingly, staff have reviewed the *Remedial Activities and Confirmatory Sampling* report, prepared by Oakhill Environmental Inc. (dated October 2023), which outlines the excavation and sampling of contaminated soils on the site (conducted from August 1, 2023 - September 28, 2023). It was determined by the Qualified Persons (QP) that no further remedial efforts are required.

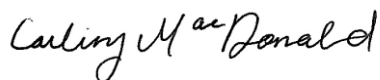
Staff request that a letter of reliance from a QP be circulated to the Region with future development applications to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted. This can be managed through future development applications. Additionally, a copy of the RSC shall be obtained prior to the issuance of a building permit.

Conclusion

The consent application does not conflict with Provincial and Regional Urban Area policies. As such, Regional Growth Strategy and Economic Development staff offer no objection, provided a letter of reliance from a QP is provided with future development applications and a copy of the RSC is obtained prior to the issuance of a building permit.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region