

APPENDIX B

Conditions of Draft Plan Approval

Maplewood Estates Plan of Subdivision (File No. 26T19-02-2024)

The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions. The conditions of final approval and registration of the Maplewood Estates Plan of Subdivision by Upper Canada Consultants Engineers/Planners (file no. 26T19-02-2024) Town of Pelham are as follows:

DRAFT PLAN

1. This approval applies to the Maplewood Estates Draft Plan of Subdivision, Part of Lot 237, Former Township of Thorold, in the Town of Pelham, Regional Municipality of Niagara prepared by Upper Canada Consultants dated September 4, 2024 showing:
 - 10 single detached dwelling lots;
 - Blocks 11, 12, and 13 for 6 semi-detached dwelling lots;
 - Blocks 14, 15, and 16 for 12 street townhouse dwelling lots;
 - Block 17 for condominium roadway access;
 - Block 18 for a 0.3 metre reserve;
 - 0.309 hectares for Public Streets;
2. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Developer wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for Town Council's consideration, prior to the lapsing date.
3. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
4. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26T19-02-2024** and referencing the conditions that are cleared.

AGREEMENTS AND FINANCIAL REQUIREMENTS

5. The Developer shall provide an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.

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6. The Developer shall agree to pay to the Town of Pelham all required processing and administration fees.
7. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Department of Community Planning and Development prior to the preparation of the Subdivision Agreement.
8. The Developer shall provide an electronic copy of the lot priority plan showing location of corner lot fencing and enhanced corner side building elevations for Lots 1 and 8 to the satisfaction of the Director of Community Planning and Development.
9. The Developer shall install privacy fencing where abutting existing residential uses.
10. That the Subdivision Agreement between the Developer and the Town of Pelham be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
11. That the Developer shall pay the applicable Town of Pelham, Niagara Region, and Niagara District Catholic School Board development charges in place at the time of the Building Permit issuance.
12. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town of Pelham concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlighting, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.

LAND TRANSFERS AND EASEMENTS

13. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
14. The Developer agrees to transfer Block 17 to the adjacent property for future access road.
15. The Developer agrees to grant an easement in favour of the Town across Block 17 for access in perpetuity.

ZONING

16. That prior to final approval, the zoning by-law amendment application (File No. AM-04-2024), has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.

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17. The Developer shall submit to the Department of Community Planning and Development an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
18. That the Director of Community Planning and Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.
19. That the Developer obtains and finalizes demolition permits for the existing structures located on the current 729, 735, and 743 Quaker Road.

ROADS

20. That the Developer provide detailed engineering design drawings for the access way required to service the subject lands to the Director of Public Works and Director of Planning and Development for review and approval.
21. The Developer shall be responsible for the construction of all services, including boulevard plantings and sodding/hydroseeding.
22. That the Developer agrees to provide a detailed streetscape plan to the satisfaction of the Director of Community Planning and Development and the Director of Public Works illustrating street trees and driveway entrances.
23. That prior to any construction taking place within the Town road allowance, the Developer shall obtain a Town of Pelham Temporary Works Permit. Applications must be made through the Department of Public Works.

MUNICIPAL SERVICES

24. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Director of Public Works, and any other applicable authority.
25. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the Town of Pelham for review and to the satisfaction of the Director of Public Works and the Fire Chief.
26. That the Developer will provide the Town of Pelham with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.

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27. That the Developer submit to the Town of Pelham for review and approval by the Director of Public Works a Geotechnical Study.
28. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto). The Town of Pelham is responsible for the review and approval of watermains under the MOE Water License Program.
29. At the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the Town of Pelham and the Regional Municipality of Niagara.
30. That all foundation drainage be directed to a sump pump in each house discharging at grade level. Foundation drains will not be connected to the sanitary sewer system.
31. Roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property. No side yard sidewalks that impede swales shall be permitted.
32. The Developer shall obtain Driveway Entrance Permits for construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All associated costs with this permit are the responsibility of the Developer.

STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL

33. That the subdivision agreement between the Developer and the Town of Pelham contain provisions whereby the Developer agrees to implement the approved stormwater management plan.
34. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site to be submitted to the Town of Pelham and Regional Municipality of Niagara Development Services Division for review and approval.

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35. That prior to approval of the final plan or any on-site grading, the Developer submit to the Town of Pelham for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the Town of Pelham's Lot Grading and Drainage Policy, and the Town of Pelham's Stormwater Management Facility Standards:

- a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
- b) Detailed sediment and erosion control plans.
- c) CLI-ECA Forms.

PUBLIC PARKLAND

36. That the Developer shall pay cash-in-lieu of the conveyance of parkland and under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13* and pursuant to the Town Parkland Dedication By-law 3621(2015).

UTILITIES

37. No utilities shall be permitted to cross the proposed lot lines. Any required relocation shall be the Developer's responsibility.

38. 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 Canada. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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

40. The Developer agrees that should any conflict arise with existing NPEI 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.

41. That the Developer shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.

42. That the Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in

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accordance with the standards of the Town of Pelham. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

43. That the applicant/owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the *Stage 1-2 Archaeological Assessment* prepared by Detritus Consulting Ltd. (dated May 21, 2024). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
44. That the subdivision agreement includes the following clause: *"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 (PDS 7-2024 Appendix 1 AMP report (niagararegion.ca))."*
45. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary system required to service the proposed development to confirm the capacity in the Regional system prior to the Municipality signing off on the CLI ECA forms.
46. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region, as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
47. That the owner provides a written undertaking to Niagara stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Pelham.

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48. In order to accommodate Regional waste collection services, the applicant is required to submit engineering plans for review and approval.
49. That the owner ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
50. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and required Indemnity Agreement. If the Indemnity Agreement has not been entered into at the time clearance of conditions is requested, a similar clause shall be included in the Subdivision Agreement.
51. That the owner/developer shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres or a temporary through-passage in the case of phased development.
52. That the owner submits Regional waste collection truck turning templates for review and approval confirming the development is able to accommodate Regional waste collection services.

Clearance of Conditions

FINAL APPROVAL

53. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town.

CLEARANCE OF CONDITIONS

Prior to granting final plan approval, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been cleared:

Town Department of Community Planning and Development for Conditions 2-19 (Inclusive), 18, 19, 29 and 36

Town Department of Public Works for Conditions 20-32 (Inclusive), 33-35, and 37, 41-42 (inclusive)

Bell Canada for Condition 39

Enbridge for Condition 40

NPEI for Condition 37

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Niagara Region Planning and Development Services Department for Conditions 43-52 (Inclusive)