

PDS-04-2024 Appendix 4

CONDITIONS OF DRAFT PLAN APPROVAL

315 Garrison Road Draft Plan of Subdivision

January 29, 2024

The conditions of final approval and registration of the 315 Garrison Road Plan of Subdivision by 2717041 Ontario Inc., file no. 350308-0135 / SUB-05-2023 in the Town of Fort Erie are as follows:

1. That this approval applies to the 315 Garrison Road Draft Plan of Subdivision, Part of Blocks 4 & 5 (North Side of Garrison Road), Registered Plan 505 and Sixth Street (Chestnut Street), Part of Lane, Registered Plan 519, being all of PIN 64220-0322(LT), prepared by Dasha Page on July 10, 2023, showing 6 blocks for a total of 36 townhouse dwellings (Blocks 1 through 6) and 1 block for a Common Elements Condominium (Block 7).
2. That the Owner enter into a Site Plan Agreement to the satisfaction of the Town.
3. That the owner deed any and all easements that may be required for access, utility and drainage purposes on the subject lands and abutting southerly lands to the appropriate authorities and/or other parties.
4. That payment of 5% cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
5. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required, together with a resolution from the local municipality must be received by the Region prior to the lapsing date.
6. That an Addendum to the Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Person (QP) in accordance to the Environmental Protection Act and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance from a QP shall be submitted to Niagara Region 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, in order to clear this condition.
7. That the Subdivision Agreement between the owner and the Town contain provisions whereby the Owner agrees to implement the recommendations of the required Addendum to the Phase Two Environmental Site Assessment (if any) in accordance with the above condition.
8. That a Record of Site Condition (RSC) is filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the *Environmental Protection Act* and associated regulations, as amended. Copies of the completed Environmental Site Assessments, site remediation reports (if applicable), and

the MECP's written acknowledgement of the filing of the RSC, together with a Letter of Reliance / certification from a Qualified Person that the subject lands meet the applicable standard(s) of the intended residential land uses shall be submitted to Niagara Region.

9. That the Subdivision Agreement between the Owner and the Town contain a provision whereby the Owner agrees to implement the following site and building design noise mitigation measures / devices:
 - a. Implementation of a 3m landscape buffer and solid board fencing along the entire property limit (south) between the residential area and commercial plaza.
 - b. That the positioning of private amenity spaces be away from the adjacent commercial use to ensure limited noise exposure.
 - c. Dwellings are constructed with double pane windows for enhanced noise and energy efficiency.
10. That the following warning clauses be included in the Subdivision Agreement between the Owner and Town and in all Agreements of Purchase and Sale or Lease or Occupancy for Units:
 - a. *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Garrison Road may occasionally interfere with some activities of the dwelling unit occupants as the sound level may exceed the [Municipality's and the] Ministry of Environment, Conservation and Parks' noise criteria."*
 - b. *"Purchasers/tenants are advised that the dwelling unit may be exposed to noise, reduced air quality, odour, and/or dust from nearby commercial activities and/or vehicle traffic that may interfere with some activities of the dwelling unit occupants."*
11. That the following warning clause be included in the Subdivision Agreement between the Owner and the Town the with respect to the potential discovery of archaeological resources;

"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ontario Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) must be notified, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326- 8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

12. That the subdivision agreement contain wording wherein the owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), dated February 2022, included but not limited to:
 - a. Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.
 - b. Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.
 - c. That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - d. A Spill Response Plan should be developed prior to commencement of construction and include a detailed response system to deal with events such as the release of petroleum, oils, and lubricants or other hazardous liquids and chemicals. A spill kit must be kept on site at all times and onsite workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.
13. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
14. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10 metres from the dripline of any trees to be retained.
15. That the Subdivision Agreement between the Owner and the Town contain a provision requiring that permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
16. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all offers of purchase and sale for properties within the subdivision development.

17. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should assess the effectiveness of the sediment and erosion control fencing and monitor the success of the restorative plantings and any invasive species removals. The Report should also include photographs and advise actions necessary to address any deficiencies.
18. That the Owner agrees to implement the Tree Saving Plan, prepared by Natural Resource Solutions Inc., dated February 2022.
19. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Landscape/Restoration Plan, Ecological Monitoring Plan and Information Package in accordance with the above conditions.
20. That the Owner provides a written acknowledgement to Niagara Region Growth Strategy and Economic Development Department 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.
21. That the Owner provides a written undertaking to Niagara Region Growth Strategy and Economic Development Department stating that all Offers and Agreements of Purchase and Sale or Lease or Occupancy, 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.
22. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program or future Consolidated Linear ECA.
23. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the subdivision, and the following plans are designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to Niagara Region Growth Strategy and Economic Development Department for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans.
24. That the Subdivision Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) that are required in

accordance with the condition above.

25. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the Owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
26. That the Owner/Developer will provide detailed plans showing the radii or truck turning templates at future submissions.
27. That the Owner/Developer for the proposed subdivision and the commercial site to the south will be required to complete the indemnity agreements to allow trucks to move through both sites for collection.
28. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the Developer for 15 of the dwelling units.
29. The Owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement/Subdivision Agreement between the Owner and Town and inserted into all Offers and Agreements of Purchase and Sale or Lease or Occupancy for the 15 dwelling units:

"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."
30. 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.
31. 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.
32. The owner shall complete to the satisfaction of Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers

of the exact Centralized Mail Box locations prior to the closing of any home sales.

- b. The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
33. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.
34. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts to QEW and identify any related highway improvements.
35. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, survey and internal road construction plans.
36. That prior to final approval, the owner shall enter into a Legal Agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all necessary associated highway improvements.

Clearance of Conditions

Prior to granting prior to granting approval of the final plan, the Town will require

written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Town of Fort Erie - Conditions 1, 2, 3, 4 & 5.
- Niagara Region - Conditions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, & 29.
- Bell Canada - Conditions 30 & 31.
- Canada Post - Condition 32.
- Ontario Ministry of Transportation - Conditions 33, 34, 35 & 36.

1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Valentina Escobar
Development Planner
Niagara Region
Phone: (905) 980-6000
Email: Valentina.Escobar@niagararegion.ca

Juan Corvalan
Senior Manager - Municipal Liaison Bell Canada
Email: planninganddevelopment@bell.ca

Andrew Carrigan
Officer, Delivery Planning
Canada Post

Phone: (226) 268-5915

Email: Andrew.Carrigan@Canadapost.ca

Mr. Ted Lagakos Senior Project Manager (West)
Highway Corridor Management Section – Central Operations Ministry of Transportation
7th Floor, Building D, 159 Sir William
Hearst Downsview, ON, M3M 0B7
Phone No: (416) 268 - 3932
Email: ted.lagakos@ontario.ca

5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

7. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of Niagara Region.
- Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.