

Approved: April 24, 2023

CONDITIONS OF DRAFT PLAN APPROVAL
CRESCENT PARK ESTATES

The conditions of final approval and registration of the Crescent Park Estates Draft Plan of Subdivision File No. 350308-0128 Town of Fort Erie are as follows:

1. That this approval applies to the Crescent Park Estates Draft Plan of Subdivision – Plan 136, New Plan 476, Lots 1941 to 1959 RP 59R16008 Part 1, Lots 1965 to 1970 RP 59R16008 Part 2, Lots 1975 to 1978 RP 59R16008, Part 3, and Lots 1979 to 1984 RP 59R16008, Part 4, being all of PINS 644690241, 644690242, 644690243, and 644690244, prepared and signed by Don Chambers of Chambers and Associates Surveying Ltd. on April 12, 2023, showing 22 lots for single detached dwellings (Lots 1 to 22), and 2 blocks for daylight triangles (Blocks 23 and 24).
2. The design for the public road within the development be prepared by a Professional Engineer at a 20.0m right-of-way urban road cross-section in accordance with the Town's current standards, as amended, to the satisfaction of the Director, Infrastructure Services.
3. The design and construction of the Evelyn Avenue connections from the subject lands easterly to Daytona Drive and westerly to Parkdale Avenue, to the satisfaction of the Director, Infrastructure Services.
4. Until an assumption through By-law by the Town for maintenance of the Secondary Services and rights-of-way dedicated as Public Highway, the Owner / Developer shall install and maintain signage within and at the limits of the subdivision roads on both Shayne Avenue and Evelyn Avenue noting 'Unassumed Roads – Use at Your Own Risk', to the satisfaction of the Director, Infrastructure Services;
5. The Owner / Developer transfer and deed to the Town, free and clear of any mortgages, liens, and encumbrances, 4.50 m x 4.50 m daylighting triangles, noted as Blocks 23 and 24, to be known as Public Highway *Shayne Avenue*.
6. A minimum 1.50 m wide sidewalk shall be constructed at the cost of the Owner / Developer on the east side of the public road extension of Shayne Avenue, north from Evelyn Avenue through to Orchard Avenue, in accordance with the Town's 20.0 m road cross-section standards, to the satisfaction of the Director, Infrastructure Services.
7. A minimum 1.50 m wide sidewalk link shall be constructed at the cost of the Owner / Developer on the north side of Evelyn Avenue from Parkdale Avenue to Daytona Drive.
8. That each agreement of purchase and sale state that "*Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall.*"

9. That each agreement of purchase and sale state that *“The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk.”*
10. The Owner / Developer shall submit to the Town for review and approval a Geotechnical report with a hydrogeological component, chemical analysis and pavement design included, prepared by a qualified geotechnical engineering consultant, to the satisfaction of the Director, Infrastructure Services.
11. The Geotechnical analysis include additional borehole locations within the limits of the Town’s existing Evelyn Avenue right-of-way, and Edgewood Avenue west of Shayne Avenue, and any applicable recommendations provided with respect to required remediations within these lands to satisfy the Town’s road construction needs for assumption purposes.
12. The Owner / Developer shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town of Fort Erie Standards, as amended, and constructed to the satisfaction of the Director, Infrastructure Services, inclusive of a watermain connection loop on Evelyn Avenue easterly to Daytona Drive.
13. The Owner’s / Developer’s Consulting Engineer submit a **Ministry of Environment – Form 1 – Record of Watermains Authorized as a Future Alteration** form to the satisfaction of the Director, Infrastructure Services.
14. The Owner / Developer adheres to the Town’s current Drinking Water Quality Management System Requirements and Criteria.
15. The Owner / Developer submits to the Town for review and approval a Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development’s sanitary sewer proposal and proposed peak flows, to the satisfaction of the Director, Infrastructure Services.
16. The Owner / Developer shall have the sanitary sewer system and appurtenances and any required improvements to the existing system designed by a Professional Civil Engineer in accordance with the Town’s Standards, as amended, and be constructed at the cost of the Owner / Developer, to the satisfaction of the Director, Infrastructure Services.
17. The Owner’s / Developer’s Consulting Engineer submit and receive the Town’s **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLIECA)** certificates for the public sanitary sewers within the development lands and those required for sewer installations external to the development lands, to the satisfaction of the Director, Infrastructure Services.
18. The Owner / Developer shall have the local storm sewer system and appurtenances designed by a Professional Civil Engineer in accordance with the Town’s Standards, as amended, and constructed to the satisfaction of the Director, Infrastructure

Services.

19. The Owner / Developer shall be responsible for the design and construction of the ultimate storm sewer system to the existing Lakeview Road storm sewer.
20. In the event that this site moves forward with development prior to the lands to the south, the Owner / Developer shall be responsible for the upfronting of the entirety of costs associated with the design and construction of the 750 mm storm sewer section from Daytona Drive to the existing Lakeview Road storm sewer.
21. A Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director, Infrastructure Services.
22. An overland flow route be incorporated into the design of the stormwater management for the site identifying a suitable outlet for the major storm event (> 5-year event).
23. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge at grade to the front and / or rear yards only, not the side yards.
24. That each agreement of purchase and sale state that "*Roof downspouts shall discharge only to the ground surface via splash pads to either the front, or rear yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway*".
25. The Owner's / Developer's Consulting Engineer submit and receive the Town's **Consolidated Linear Infrastructure - Environmental Compliance Approval (CLIECA)** certificates for the public storm sewers within and external to the development lands, to the satisfaction of the Director, Infrastructure Services.
26. 29. The Owner / Developer shall provide adequate notification to the affected residents, Utilities, and Council members, within the affected areas of improvements proposed to municipal lands and infrastructure off-site and external to the subject lands, and adequate signage be erected accordingly, to the satisfaction of the Director, Infrastructure Services.
27. An Erosion & Sediment Control Plan be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services.
28. A Construction Impact Mitigation Strategy outlining how the proponent intends to address the construction impact mitigation principles as they relate to the site development and surrounding external areas required for municipal improvements, be submitted for review and approval, to the satisfaction of the Director, Infrastructure Services.

29. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services.
30. The Owner / Developer agrees to implement the approved Stormwater Management Report to the satisfaction of the Director, Infrastructure Services.
31. The Owner / Developer shall grant to the appropriate authority all easements as required for Municipal, Utility, and private needs, to the satisfaction of the Director, Infrastructure Services, Utility, third-party private landowners, and any other authoritative regulatory body.
32. The Owner / Developer shall submit to the Town a street lighting design prepared by a Professional Electrical Engineer, for review and acceptance to the satisfaction of the Director, Infrastructure Services and/or Canadian Niagara Power.
33. The Owner / Developer shall pay for and construct the proposed street lighting design in accordance with the Town's, Electrical Safety Authority's, and Canadian Niagara Power's standards, to the satisfaction of the Director, Infrastructure Services.
34. The Owner / Developer shall submit to the Town the digital as-constructed data in the Town's AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the subdivision agreement, to the satisfaction of the Director, Infrastructure Services.
35. The Owner / Developer shall submit to the Town a Pre-Construction Condition survey for all existing abutting properties and structures surrounding all areas of proposed infrastructure installations, to the satisfaction of the Director, Infrastructure Services, prior to the commencement of any construction works.
36. The Owner / Developer submits to the Town the required fees for Engineering, water testing, regulatory street signage, and construction fees and securities for performance obligations through the means of entering into a pre-servicing and/or Subdivision Agreement, to the satisfaction of the Director, Infrastructure Services.
37. The Owner / Developer submits to the Town the digital data and contract documentation for both Primary and Secondary Services, in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, in addition to Cost Schedules reflective of the actual costs of construction of all assets to be assumed by the Town through the Subdivision Agreement, to the satisfaction of the Director, Infrastructure Services.
38. The Owner's / Developer's Engineering Consultant be responsible to provide full time engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director, Infrastructure Services.

39. The Owner's / Developer's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director, Infrastructure Services.
40. The Owner's / Developer's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director, Infrastructure Services.
41. That the Subdivision Agreement include a clause requiring that agreements of purchase and sale for proposed Lots 12 and 13 state that *"The owner (developer) shall be responsible for locating the driveway outside of the driveway triangle, in accordance with By-law No. 71-2016, as amended"*.
42. That payment of 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.
43. That the Owner / Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff.
44. That the Owner / Developer submits a Tree Inventory and Preservation Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff.
45. That the Owner / Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff.
46. That the Owner / Developer agrees to install a 1.80 m wood board privacy fence in accordance with By-law No. 150-08, as amended from time to time, and to the satisfaction of the Director, Planning and Development Services, in the following locations:
 - a. along the west lot lines of Lots 1 to 12 (inclusive);
 - b. along the east lot lines of Lots 13 to 22 (inclusive);
 - c. along the south lot line of Lot 16; and
 - d. along the north lot line of Lot 17
47. 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 / Developer wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
48. That the Owner / Developer provides a written acknowledgement to Niagara Region Planning and Development Services 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 / Developer.

49. That the Owner / Developer provides a written undertaking to Niagara Region Planning and Development Services Department 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 / Developer and the Town.
50. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.
51. That prior to approval of the final plan or any on-site grading, the Owner / Developer shall submit a detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a 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*, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
- 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; and
 - Detailed erosion and sedimentation control plans
52. That the Owner / Developer agrees to implement the approved plan(s) required in accordance with the Conditions above.
53. The Owner / Developer ensures 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.
54. The Owner / Developer shall complete to the satisfaction of the Town's Director, Infrastructure Services and 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 / Developer 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) The Owner / Developer provides the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, for buildings and complexes with a common lobby, common indoor or sheltered space in accordance with Canada Post's multi-unit policy.

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

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

Clearance of Conditions

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:

- ◆ District School Board of Niagara for Conditions 6 and 7
- ◆ Niagara Region Planning & Development Department for Conditions 48-53 (inclusive)
- ◆ Canada Post for Condition 54

◆ Bell Canada for Conditions 55 and 56

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 with 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:

Sue Mabee
Supervisor of Planning
District School Board of Niagara
191 Carlton Street
St. Catharines, ON
L2R 7P4
Phone No: 905-641-1550 ext. 54225
Email: sue.mabee@dsgbn.org

Director, Development Approvals
Planning and Development Services Department
The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7
Phone No: (905) 980-6000
Toll Free: 1-(800) 263-7215
Email: devtplanningapplications@niagararegion.ca

Andrew Carrigan
Officer, Delivery Planning
Canada Post
955 Highbury Avenue North
London, Ontario N5Y 1A3
Phone: 226-268-5914
Email: andrew.carrigan@canadapost.ca

Juan Corvalan
Bell Canada
Senior Manager – Municipal Liaison
Email: planninganddevelopment@bell.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 the Regional Planning and Development Services Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

7. NOTES

- Written permission is required from the Town to remove trees on Town property
- 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
- 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.
- The Owner / Developer 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 / Developer to provide entrance /service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner / Developer may be required to pay for the extension of such network infrastructure.
- If the Owner / Developer elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.