

**File:** 26T-18-20-02  
**Draft Approval Date:** \_\_\_\_\_  
**Lapse Date:** \_\_\_\_\_

**Town of Niagara-on-the-Lake**  
**Conditions of Draft Plan Approval**

The conditions of draft plan approval and registration of “455 William Street” Subdivision, File 26T-18-20-02 are as follows:

1. That approval applies to the “455 William Street” Draft Plan of Subdivision, being Part of Lots 217 and 218, Plan 86, Town of Niagara-on-the-Lake, Regional Municipality of Niagara, prepared by J.D Barnes Limited, dated October 18, 2019, showing 5 lots for single-detached dwellings.
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, save and except for model homes (as permitted by Town policy), until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the subdivision agreement between the owner and the Town with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act, R.S.O. 1990, c. P.13*.
5. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of subdivision.
6. That the owner, receives final approval for a Zoning By-law Amendment for the removal of a Holding (“H”) Symbol applying to the lands prior to the development of the lands.
7. That the owner provides a preliminary 30M plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.
8. That the owner shall pay the Town of Niagara-on-the-Lake cash-in-lieu of parkland dedication pursuant to Section 51.1 of the *Planning Act, R.S.O. 1990, c. P.13*, based on the total value of the subject land as determined by an appraisal prepared by a

qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the owner.

9. The owner agrees in the subdivision agreement that the future dwellings on the lots shall require review by the Urban Design Committee (including building elevations and site plans) prior to the issuance of building permits, and that such a clause should also be included in any Purchase of Sale Agreement for future property owners.
10. That the owner agrees in the subdivision agreement to receive approval from the Town's Operations Department for removal of any boulevard trees related to locations of driveways and services.
11. That the detailed design drawings with calculations for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Niagara Region, the Town's Operations Department and the Fire and Emergency Services Department for review and approval.
12. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment, Conservation and Parks approval to the satisfaction of the Niagara Region for the necessary servicing (watermains, storm sewers, and sanitary sewers) for this development.
13. That the owner provides the cost of all on-site and off-site works as well as the number of working days required to complete the proposed works to establish the appropriate security deposits to be identified in the subdivision agreement.
14. That the owner agrees in the subdivision agreement to grant to the Town any required easements for services or utilities.
15. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site, be submitted to the NPCA and the Town's Operations Department for review and approval. This requirement shall also be included in the subdivision agreement.
16. That the owner agrees in the subdivision agreement that all offers and agreements of purchase and sale shall contain a clause that the purchaser will be responsible to maintain the grassed boulevard directly in front of and adjacent their lot where they exist.
17. That the owner agrees in the subdivision agreement that during the construction the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).

18. That the owner agrees to the following requirements in the subdivision agreement:

- (a) That all infrastructure works will be constructed to current Town specifications.
- (b) That a sanitary and storm drainage area plan be submitted to the Town's Operations Department for approval.
- (c) That all construction plans and supporting reports will be subject to a peer review at the owner's cost.
- (d) That the owner be required to provide the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
- (e) That all the proposed infrastructure will be subject to the Town's inspection at the owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- (f) That a site alteration and sediment control plan is submitted to the Town's Operations Department for approval.
- (g) The owner will be required to submit an overall lot grading plan to be approved by the Town's Operation Department and Building Department noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site. The grading plan shall provide that the maximum height of the concrete showing on the foundation shall not be more than 30.48 cm (12 inches) above the final approved grade elevation.
- (h) The owner will provide the Town with calculations indicting the existing water supply pressure and proposed fire flows. The approval of the servicing plans will be subject to the delivery of adequate water system pressure and fire flows and approval by the Town's Fire and Emergency Services Department. Upon completion of primary services and before any financial releases, the fire hydrants will be pressure and flow tested as per Fire Code requirements.
- (i) That the owner provide the Town cash-in-lieu for the future construction of a 1.5 metre wide sidewalk along the entire frontage of the subject lands, the location of which shall be shown on the submitted plans. Sidewalks are to be installed as per the Town's Sidewalk Installation Policy for new developments (Policy CDS-PLG-004).
- (j) That the owner provides boulevard trees in the subdivision in accordance with Town policy respecting number, location, species and size.

19. That the following clause be included in the subdivision agreement:

*Should deeply buried archaeological remains/resources be found on the property during construction activities, the activities impacting the archaeological resources must cease immediately and the owner shall notify the Archaeology Programs Unit of the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (416-212-8886) 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 local police, the local coroner as well as the Cemeteries Regulation unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations, where human remains are associated with archaeological resources, Ministry of Heritage, Sport, Tourism, and Culture Industries 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.*

20. That the owner 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.
21. That the owner 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.
22. That the owner provide profile crossings of the Regional force main for the servicing of the proposed lots to the Region for review and approval.
23. That the following clause be included in the subdivision agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

*Purchasers/Tenants are advised that due to the proximity of the William Street Regional sewage pumping station, noise, emissions and odour from the station's operations may occasionally interfere with some activities of the dwelling occupants.*
24. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection.
25. That the owner submits individual tree saving plans for each of the residential lots (Lot 1-5) in accordance with Niagara Region EIS Guidelines and satisfying the

requirements listed in the Region's Tree and Forest Conservation By-law (Section 1.36) to Niagara Region for review and approval, and a clause be included in the subdivision agreement and any purchase and sale agreement for future property owners, requiring the approval of such individual tree saving plans prior to the issuance of building permits.

26. That the owner provides an overall plan identifying the additional tree species to be installed to replace trees required to be removed to facilitate this development to Niagara Region for review and approval.
27. The owner agrees that the following conditions shall be incorporated into the Subdivision Agreement between the Developer and the Town of Niagara-on-the-Lake to the satisfaction of the Niagara Peninsula Conservation Authority, and that the draft Subdivision Agreement shall be circulated to the Niagara Peninsula Conservation Authority for its review and approval:
  - (a) That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval clearly delineating the floodplain, watercourse and wetland plus buffer areas.
  - (b) That the Subdivision Agreement between the owner and the Town contain a provision wherein the owner agrees to implement the mitigation measures found in Section 7.0 of the Scoped EIS prepared by Colville Consulting Inc (March 2018).
28. That the owner enters into a separate agreement with Niagara-on-the-Lake Hydro for the provision of hydro services for the development.
29. That the subdivision agreement between the owner and the Town include the following clauses:
  - (a) *"The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving."*
  - (b) *"If easement(s) are required to service this development and any future adjacent developments, the owner will provide all easement(s) to Enbridge Gas Distribution at no cost."*
30. That the subdivision agreement between the owner and the Town include the following clauses:

- (a) *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.*
- (b) *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.*

### Clearance of Conditions

Prior to granting final approval for the subdivision plan, Community and Development Services will require **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1, 2, 3, 4, 6, 7, 8, 9, 10
Town Corporate Services	5, 8
Town Operations	10, 11, 12, 13, 14, 15, 16, 17, 18
Town Fire & Emergency Services	11, 18(h)
Niagara Region	19, 20, 21, 22, 23, 24, 25, 26
Niagara Peninsula Conservation Authority	27
Niagara-on-the-Lake Hydro	28
Enbridge Gas	29
Bell Canada	30

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Craig Larmour, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3061 x243	craig.larmour@notl.com
Town Operations Department	Jeff Vyse, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266 x271	jeff.vyse@notl.com
Town Fire and Emergency Services	Nick Ruller, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266 x259	nick.ruller@notl.com
Town Corporate Services Department	Peter Todd, Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3061 x228	peter.todd@notl.com

Niagara Region	Lola Emberson, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980- 6000 x3518	lola.emberson@ niagararegion.ca
Niagara Peninsula Conservation Authority	David Deluce, Manager Plan Review	250 Thorold Road West, Welland, ON L3C 3W2	(905) 788- 1121 x224	ddeluce@npca.ca
Niagara-on-the- Lake Hydro	Kevin Sidey, Senior Engineering Technologist	8 Henegan Road, P.O. Box 460, Virgil, ON, L0S 1T0	(905) 468- 4235 x530	ksidey@notlhydro.com
Enbridge Gas	Alice Coleman, Municipal Planning Coordinator	500 Consumers Road, North York, ON M2J 1P8	(416) 495- 5386	municipalplanning@ enbridge.com
Bell Canada	Ryan Courville, Access Network Provisioning Manager		(416) 570- 6726	circulations@WSP.com

**Review of Conditions**

Should any of the conditions appear unjustified or their resolution appears too onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.