

File: 26T-18-24-01
Draft Approval Date: _____
Lapse Date: _____

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

The conditions of draft plan approval and registration of 353 Townline Road Subdivision, File 26T-18-24-01 are as follows:

1. That approval applies to the 353 Townline Road Draft Plan of Subdivision, being Part Lots 180 & 181 Niagara Township, Parts 1 & 4 30R9813; Town of Niagara-On-The-Lake, Regional Municipality of Niagara, prepared by J.D. Barnes Ltd., O.L.S., dated October 25, 2024, showing Blocks 1-4 for industrial development, Block 5 for stormwater management, Blocks 6 and 7 for the Natural Environment System and associated buffer, Block 8 for a drainage channel, and Block 9 for a reserve associated with a public road ("Northwood Court").
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, 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.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of subdivision.
6. 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.
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 pays 2% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands 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 shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake 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; and
 - 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/unit/building 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; and
 - 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 re 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.
10. That the owner/applicant submits a Scoped Environmental Impact Study Addendum to confirm that removal of the feature FODM12 (as identified in Scoped Environmental

Impact Study, prepared by Colville Consulting Inc., dated July, 2024) and relocation of features SWD1-3 and MAM2-2 (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024) will not result in negative impacts to the Natural Environment System and demonstrate conformity with the Niagara Official Plan, to the satisfaction of the Director of Community and Development Services.

11. That the owner/applicant submits a Tree Inventory and Preservation Plan to support the removal of the feature FODM12 (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024), in accordance with the aforementioned Scoped Environmental Impact Study and Scoped Environmental Impact Study Addendum required as per Condition 10, and removal of any regulated trees to the satisfaction of the Director of Community and Development Services.
12. Subject to the satisfaction of Condition 10, the owner/applicant agrees to replace the number of regulated trees (FODM12) proposed for removal at a location on-site and/or off-site in the Town's Urban Area, to the satisfaction of the Director of Community and Development Services. Alternatively, the owner/applicant may provide a combination of cash-in-lieu and plantings provided a minimum of 75% of the trees are replaced to the satisfaction of the Director of Community and Development Services.
13. In accordance with Condition 12, tree replacements are to be detailed through the submission of a Replanting and Restoration Plan, which incorporates any required buffers, to the satisfaction of the Director of Community and Development Services. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized.
14. That the Owner/applicant enters into any necessary agreements with the Town to implement the Replanting and Restoration Plan as required in accordance with Condition 13, to the satisfaction of the Director of Community & Development Services.
15. That the owner/applicant submits a vernal pool/habitat creation plan, prepared by a qualified professional, to confirm no negative impacts and that the ecological and hydrological functions of the wetland will be maintained through on-site restoration works, to the satisfaction of the Director of Community and Development Services.
16. That the owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 and Stage 2 Archaeological Assessment reports (dated March 12, 2020 and January 17, 2023, respectively) for 353 Townline Road, Niagara-on-the-Lake, prepared by Amick Consultants Limited. 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 and Town of Niagara-on-the-Lake, 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 and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

17. 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.
18. That the Owner provides a written undertaking to Niagara Region 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 Niagara-on-the-Lake.
19. 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 to confirm the capacity in the Regional system prior to the municipality signing off on the CLI ECA forms.
20. 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 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 Public Works Growth Management and Planning Division and the Town of Niagara-on-the-Lake 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. The detailed lot grading plan shall demonstrate that no grading within the natural environmental features and/or their buffers will occur, and shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural environmental features and their buffers.
 - b. Detailed erosion and sedimentation control plans. All erosion and sediment control 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.
21. That the subdivision agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above Condition (Condition 20).

22. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development.
23. That the Owner/Developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.
24. That the Developer submit to the Niagara Peninsula Conservation Authority (NPCA) for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. The Developer agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
25. That the Stable Top of Slope be identified on all engineering drawings submitted for detailed design. A Geotechnical Engineer shall provide confirmation that the location of the identified Stable Top of Slope on said drawings appropriately reflects the findings of the Preliminary Slope Stability prepared by Bendigo Consulting Inc., dated February 12, 2021 and is accurate across the site.
26. That the detailed design of the stormwater pond outfall and emergency spillway include longitudinal cross-sections of the stormwater outfall and spillway, and design elements that mitigate potential erosion on the valley wall by dissipating stormwater flows and slowing the velocity of the flows. Further the design will incorporate vegetation that will provide stabilization into the valley bank and wall.
27. That a NPCA Works Permit pre-consultation meeting be held between the NPCA and Developer to confirm all permit submission requirements for any development activities within NPCA regulated areas.
28. That prior to the commencement of any works or site alterations, the Developer shall obtain Work Permit(s) from the NPCA for all works within the NPCA regulated areas or associated buffers including but not limited to the stormwater outfall and emergency spillway, restoration/enhancement plans, pre-grading/servicing, subdivision build out, etc.
29. That Block 6 & 7 be dedicated to a public agency, to the satisfaction of the NPCA.
30. That Conditions 24 to 29 above be incorporated into the Subdivision Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the NPCA. The Town of Niagara-on-the-Lake shall circulate the draft Subdivision Agreement to the NPCA for its review and approval.

31. 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 Town's Operations Department for review and approval.
32. That the owner provides a comprehensive cost estimate detailing the cost of all on-site and off-site works, as well as the number of working days required to complete the proposed works, in order to establish the appropriate security deposits to be identified in the subdivision agreement.
33. The subdivision agreement shall contain a schedule for the purpose of identifying the Town's cost sharing obligations towards the oversizing of the SWM lands/pond and related storm sewer infrastructure.
34. That the owner agrees that prior to the assumption of the subdivision by the Town, that the storm sewers, including catch basins, will be flushed and TV inspected. This requirement shall also be included in the subdivision agreement.
35. Upon completion 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.
36. That the public streets be deeded to the Town free and clear of any mortgages, liens or encumbrances.
37. That access reserve shown as Block 9 on Draft Plan of Subdivision, dated October 25, 2024 be lifted upon the completion of Primary Services.
38. That access reserve shown as Block 5 on 30M-371, dated September 11, 2007 be lifted upon the completion of Primary Services.
39. That the existing turn-around at the terminus of Westwood Court be re-configured to allow for the proposed northerly road connection (shown as Northwood Court on the Draft Plan of Subdivision, dated October 25, 2024) into the subject development, and that:
 - a. All affected lands south of the proposed development limit which abut the proposed Northwood Court be restored, repaired, and/or reinstated to existing condition or better;
 - b. All existing curb and boulevard at the existing turn-around be restored, repaired, and/or reinstated to accommodate the proposed new road connection; and
 - c. That signage be installed at the existing turn-around noting the direction of traffic, as well as street name signs.
40. 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 the owner agrees to grant to the Town any required easements for services or utilities.
- c. That a sanitary and storm drainage area plan be submitted to the Town's Operations Department for approval.
- d. That the owner comply with all current CLI ECA requirements, including the submission of the necessary forms and clearances to the Town's Operations Department, prior to the approval of all proposed sanitary & storm infrastructure
- e. The owner will be required to submit an overall lot grading plan to be approved by the Town's Operation Department noting both existing and proposed grades (including entrance apron and top of foundation elevations, if available) and the means whereby overland flows will be accommodated across the site.
- f. That overall lot grading, street lighting, sediment control, servicing, and drainage plans be submitted to the Town's Operations Department for review and approval.
- g. That a streetscape plan of the internal streets illustrating the location of on-street parking, street trees, pavement markings, community mailbox locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review and approval.
- h. That all submitted plans and supporting reports will be subject to a peer review at the owner's cost.
- i. That the owner provides boulevard trees in the subdivision in accordance with Town policy respecting the number, location, species, and size.
- j. The owner will provide the Town with calculations indicating 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 must be pressure tested, flow tested, and coded with the appropriately coloured disc as per Fire Code requirements.
- k. That the owner be required to provide the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
- l. That the owner be required to provide a maintenance security deposit of \$100,000 toward the cleaning of the stormwater management pond. The security deposit will be released upon completion of the development and the owner demonstrating that the pond has been cleaned and/or restored, if needed, to the approved design specifications and Town Engineering Standards.
- m. 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.
- n. That the owner construct a storm sewer system, and that all stormwater flows collected in that system be directed to the stormwater management pond, in accordance with the Town's Engineering Standards.
- o. That all road allowances within the proposed development be a minimum of 20.11 metres (66 feet) in width.
- p. That all roads are constructed to current Town urban design standards, which includes an 8.5-metre-wide pavement, concrete curb and gutter with barrier type curbs (O.P.S.D 600.04) and storm sewers to the satisfaction of the Town's

- Operations Department.
- q. That if applicable, the owner agrees to consult with Canada Post and the Town's Operations Department to determine suitable permanent locations for the community mailboxes, which shall be included on appropriate servicing plans.
 - r. 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 to their lot where they exist.
 - s. 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).
 - t. That the owner/applicant install permanent fencing along the limit of the Natural Environment System features and their associated buffers, in accordance with the Town's Fence By-law.
 - u. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. The survey is to take place within 48 hours of vegetation removal.
 - v. That construction activity occurring during the active bat season (i.e., between April 1st and September 30th) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance on rare bat species.
 - w. That no construction materials or equipment be located within features FODM12, SWD1-3, MAM2-2, and their buffers (as identified in Scoped Environmental Impact Study, prepared by Colville Consulting Inc., dated July, 2024), even on a temporary basis.
 - x. That the owner/applicant agrees to submit an Ecological Monitoring Plan, related to the Replanting and Restoration Plan required in accordance with Condition 13, to monitor the success of the restorative plantings up to and including five (5) years from full build out. The Plan must be submitted by September 1st of years 1 through 5, and must include photographs and advise of actions necessary to address any deficiencies.
 - y. That the owner/applicant implements the recommendations of the Tree Inventory and Preservation Plan required in accordance with Condition 11, as approved by Town Staff.
41. That the owner provides a letter, signed by a Professional Engineer, confirming that no downstream impacts from stormwater management discharge from the site will be incurred, to the satisfaction of the Town's Operations Department.
42. That the subdivision agreement between the owner and the Town include the following clauses:
- a. All future occupants of subdivision are aware that future uses may be required to conform to Provincial D-6 Land Use compatibility requirements*

and/or implement recommended mitigation measures to ensure compatibility with residential uses to the north as part of future Planning Act approvals. The Developer agrees that a similar warning clause shall be inserted in all Agreements of Purchase and Sale or Lease for each lot, advising of such potential requirements.

- b. All future owners/occupants of the subdivision are aware that, prior to the issuance of a building permit, Site Plan Control is applicable to the development of the subject lands.*
- c. The owner acknowledges that, through the Site Plan Control process, an Environmental Impact Study will be required to confirm if the proposed use/development necessitates a larger buffer to the Natural Environmental System. The Environmental Impact Study will be to the satisfaction of the Niagara Region, or its predecessor or designate. The Developer agrees that a similar warning clause shall be inserted in all Agreements of Purchase and Sale or Lease for each lot, advising of such potential requirements.*
- d. 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.*
- e. 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.*
- f. The Owner shall contact Enbridge Gas Distribution for 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.*
- g. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the Owner.*
- h. In the event that easement(s) are required to service this development, the Owner will provide the easement(s) to Enbridge Gas Distribution at no cost.*
- i. Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist 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 Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism 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. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”

Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **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, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 40(t - y), 42(a, b, c, i)
Town Corporate Services	8
Town Operations	20, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40(a - s), 41
Town Fire & Emergency Services	40(j)
Niagara Region	16, 17, 18, 19, 20, 21, 22, 23, 42(c, i)
Niagara Peninsula Conservation Authority	24, 25, 26, 27, 28, 29, 30
Canada Post	9, 40(q)
Bell Canada	42(d, e)
Enbridge Gas	42(f, g, h)

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	Kirsten McCauley, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266 x321	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100,	(905) 468-3266	clerks@notl.com

		Virgil, ON, L0S 1T0		
Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000 x3532	Amy.shanks@niagararegion.ca
Niagara Peninsula Conservation Authority	Taran Lennard, Watershed Planner 2	250 Thorold Road West, 3 rd Floor, Welland, ON, L3C 3W2	(905) 788-3135	tlennard@npca.ca
Canada Post	Andrew Carrigan, Delivery Planning Officer	955 Highbury Ave. N. London, ON N5Y 1A3	(226) 268-5914	andrew.carrigan@canadapost.ca
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison			planninganddevelopment@bell.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416) 495-6411	municipalplanning@enbridge.com

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear 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.