

**From:** [donna@theherringtongroup.ca](mailto:donna@theherringtongroup.ca)  
**To:** [Victoria Nikoltcheva](#)  
**Subject:** RE: New Application - 26T-18-24-01 - 353 Townline Road, NOTL  
**Date:** Monday, March 4, 2024 4:17:40 PM

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Hi Victoria, I do not have any accessibility-related comments for this application.

**Donna Herrington**

The Herrington Group Ltd

53 Greenmeadow Court

St. Catharines, ON L2N 6Y7

Phone: (905) 380-4782

Web: [www.theherringtongroup.ca](http://www.theherringtongroup.ca)

March 7, 2024

Victoria Nikoltcheva  
Planner II  
The Town of Niagara-on-the-Lake  
Community & Development Services  
1593 Four Mile Creek Road – PO Box 100  
Virgil, ON L0S 1T0

Dear Victoria,

Re: Draft Plan of Subdivision  
Kaneff Group  
353 Townline Road  
Town of Niagara-on-the-Lake  
File No.: 26T-18-24-01

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

([https://enbridge.outsystemsenterprise.com/GetConnected\\_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp\\_UI%2F](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F))

If the gas main(s) 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 phased construction, all costs are the responsibility of the applicant.

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

Sincerely,



**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

## Draft Plan of Subdivision (26T-18-24-01), 353 Townline Rd., Niagara-on-the-Lake

PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>

Fri 3/8/2024 5:00 PM

To: Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

You don't often get email from wsp.primecities@wspdigitalfactory.com. [Learn why this is important](#)

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**3/8/2024**

**Victoria Nikoltcheva**

**Niagara-on-the-Lake**

**Niagara-on-the-Lake (Town)**

**Attention: Victoria Nikoltcheva**

**Re: Draft Plan of Subdivision (26T-18-24-01), 353 Townline Rd., Niagara-on-the-Lake; Your File No. 26T-18-24-01**

**Our File No. DTS: 38648 / Circ: 40810**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

**Bell Canada Condition(s) of Approval**

1) 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.

2) 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.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) 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 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 may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

**Concluding Remarks:**

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,



Juan Corvalan  
Senior Manager - Municipal Liaison  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).



CANADA POST  
955 Highbury Ave N  
London ON N5Y 1A3

[CANADAPOST.CA](http://CANADAPOST.CA)

POSTES CANADA  
955 Highbury Ave N  
London ON N5Y 1A3

[POSTESCANADA.CA](http://POSTESCANADA.CA)

VICTORIA NIKOLTCHEVA  
TOWN OF NIAGARA ON THE LAKE  
1593 FOUR MILE CREEK ROAD  
P.O BOX 100, VIRGIL, ON

Re: 353 Townline Rd

Dear Victoria,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering 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.
  - 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.
- a) 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.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Planning Officer  
[Andrew.Carrigan@canadapost.ca](mailto:Andrew.Carrigan@canadapost.ca)

March 22, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Draft Plan of Subdivision  
Town of Niagara-on-the-Lake: 353 Townline Road**

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The NPCA has received a request to review the complete application in relation to a proposed industrial subdivision, inclusive of 9 blocks, where 4 will be for industrial employment uses, and the remaining will be for stormwater management the existing natural heritage system, a drainage channel, and a 0.3 metre reserve for the proposed roadway. In response to this request, we offer the following comments.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by a valleyland system associated with the Six Mile Creek/Airport Drain Complex. The regulatory floodplain associated with this section of Six Mile Creek is confined to the valleyland. Further, a regulated watercourse crosses the subject lands, immediately north of 345 Townline Road.

**Draft Plan of Subdivision**

The NPCA has reviewed the 'Preliminary Slope Stability Assessment' as prepared by Bendigo Consulting Inc (dated February 12, 2021) the 'Slope Stability Assessment' by Soil Engineers Ltd (dated December 13, 2023), and the 'Functional Servicing and Stormwater Management Report' as prepared by Crozier and Associates (dated December 2023). The NPCA will require that the location of the stable top of slope be accurately identified on all plans. This limit shall be confirmed by the Geotechnical Engineer.

Staff note that the current proposal is slated to cut into the valley slope for the purposes of a new stormwater outlet and emergency spillway associated with the proposed stormwater management pond located in close proximity to the edge of the valley. The NPCA is not generally supportive of alterations to a valley slope, where reasonable alternatives exist. As such, and prior to being able to support the proposed alterations, the NPCA will require that alternative approaches to the emergency spillway and outlet be explored. Additional details on the spillway shall be provided to our Agency that confirms that the use of softer, environmentally friendly treatments have been incorporated into the design. Further, a cross sectional view of the spillway is requested to show the extent of the alterations on the valley wall. The outfall shall also be reconfigured away from the valley

wall. While the NPCA can support a vertical drop structure, the outfall location should be at the base of the slope and into the watercourse, rather than out letting onto the valley wall. The drop structure shall be supported by the Geotechnical Engineer.

The applicant shall, through the design at this stage, confirm that the proposed outlet and emergency spillway will not cause erosion in the valley slope and into Six Mile Creek. The design shall reduce erosive velocities and mitigate any thermal impacts to the watercourse. Further, the NPCA will require confirmation that future maintenance and repairs can safely be carried out on the outlet and spillway without negative impacts to the valley.

The 'Scoped Environmental Impact Study, 353 Townline Road' as prepared by Colville Consulting (dated January 2024) has been reviewed by the NPCA. This report recommends that watercourse 1 on the north end of the property be afforded a 5m buffer. The NPCA will require the protocol details, and dates of surveys completed to ensure no negative impact to the form and function of the watercourse or its riparian buffer. Please provide a revised plan that shows an appropriate setback from top of bank of the watercourse as the EIS addresses 5 metres, with the site plan reflecting 3 metres.

Furthermore, the NPCA has reviewed the stormwater quantity controls for the site. The NPCA notes that post-development flows will be attenuated to pre-development levels for both drainage catchment areas, and that roof storage and a wet pond will be used to facilitate this. The NPCA does not offer objections. With respect to erosion control, the NPCA notes that extended detention time is required for the 25mm storm over 24 hours, or retention of the 5mm event runoff. Staff again are aware that roof storage and the proposed wet pond are used to facilitate this. In principle, the NPCA would not offer objections to this.

### **Conclusion**

At this time, NPCA Staff are not in a position to provide Conditions of Draft Plan Approval. Revisions to the documentation shall be provided to the NPCA for our review.

I hope this information is helpful. If you have any questions, please let me know.

Thank you,



Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
tlennard@npca.ca



**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

March 25, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman).  
353 Townline Road  
Niagara-on-the-Lake**

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Staff of the Regional Growth Strategy and Economic Development Department have reviewed the above-mentioned Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake.

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

A pre-consultation meeting for the development concept was held on January 6, 2022 with the applicant, Town and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

## Summary

**Regional Growth Strategy and Economic Development Department is unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the NES and submission of a revised Environmental Impact Study (EIS) is required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. As such, Appendix I: Regional Conditions of Draft Plan of Subdivision and Condominium are preliminary and provided for information purposes only at this time and do not include conditions related to natural environment requirements pending review and approval of the revised EIS.**

## **Provincial and Regional Policies**

The subject land is within a “Settlement Area” under the Provincial Policy Statement, 2020 (“PPS”) and “Designated Greenfield Area” under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”) and the Niagara Official Plan (“NOP”). The subject land is also within a ‘Knowledge and Innovation Employment Area’ (NOTL-2 Glendale Momentum District) as delineated on Schedule G – Employment Areas of the NOP.

Designated Greenfield Areas are areas within settlement areas that have been designated for development and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service.

The lands are subject to the Town’s Glendale Secondary Plan, which is currently under Regional and Town review to update policies and mapping to align with the Glendale Niagara District Plan. Staff note the secondary plan identifies density requirements which contribute to the Town achieving its overall 50 people and jobs per hectare Greenfield Area density target. Additionally, Policy 4.2.1.9 and Table 4-2 of the NOP requires that lands within the Glendale Momentum District Employment Area be planned to achieve a minimum overall density target of 60 jobs per hectare. Staff note the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will contribute to achieving the overall density target.

Staff have reviewed the Planning Rational Report prepared by Kaneff Group (dated January 2024) and are in general agreeance with the study which highlights the development will support industrial related employment uses and future industrial development in conformity with Provincial and Regional policies. Staff, however, note the report does not specifically outline the development’s proposed density in relation to the Designated Greenfield Area, Employment Area and Glendale Secondary Plan targets. As such, staff note the Town is to monitor the achievement of these targets and

should be satisfied the proposed subdivision will not limit the ability for them to be achieved. Staff is generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

## **Archaeological Potential**

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP, have one registered archaeological site on the property (AgGs-79) and are within 300 metres of another registered site (AgGs-80).

Staff have reviewed the Draft Stage 1 Archaeological Assessment ("AA") report submitted and the Stage 2 Archaeological Assessment, both prepared by Amick Consulting Limited (dated March 12, 2020 and January 17, 2023, respectively). The Draft Stage 1 AA outlines a portion of the property had been previously assessed (April 24, 1990) with the remainder not being assessed due to the area being identified as a steep bank and ravine slope and not requiring assessment per Ministry guidelines. However, the recent Stage 1 found further archaeological assessment of the area to be warranted with the exception of the lands which had been previously subject to the Stage 2 in 1990. The Stage 2 report (dated January 17, 2023) notes no archaeological resources were encountered within the bounds of the study area. As such, the assessment concluded that no further archaeological assessment work is warranted.

Staff has not received acknowledgement from the Ministry of Citizenship and Multiculturalism ("MCM") that the report has been submitted to the Ontario Public Register of Archaeological Reports. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM, confirming that all archaeological resource concerns have been addressed. Additionally, in recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff recommend the inclusion of a standard archaeological resource warning clause within the Subdivision Agreement. Appropriate conditions have been included within the attached Appendix.

Staff acknowledge that the Town of Niagara-on-the-Lake also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

## Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with Niagara Official Plan (NOP) policies, an Environmental Impact Study (EIS) was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff have reviewed the Scoped EIS, prepared by Colville Consulting Inc., dated January 2024. Staff note that an EIS Terms of Reference (TOR) was not prepared for Regional approval. Based on staff's review of the EIS, there are a number of concerns that are required to be addressed in an EIS Addendum in order to satisfy the Region that the conclusions are valid and that the development conforms to Provincial and Regional policies. Details are provided below.

### EIS Review Comments:

1. The Ecological Land Classification (ELC) work used a large polygon size to classify a complex community (THDM2-6/WODM5). This approach is appropriate only in cases where communities are so complex, they cannot be teased apart at a finer scale through field investigations. The EIS did not include information regarding the proportional representation of each complex by area nor does it provide an indication of the distribution of the woodlands throughout the overall polygon. This information is important in evaluating the extent of 'Other Woodland' present on the property and the associated policy context should 'Other Woodland' be present and proposed for removal. As such, additional information is required in an EIS Addendum. Staff note that consistent with NOP policies, should 'Other Woodland' be identified for removal, a Woodland Enhancement Plan will be required.
2. Acoustic bat monitoring was not undertaken to determine the presence of Species at Risk (SAR) bats or Significant Wildlife Habitat (SWH). The EIS concludes that an assessment of significant potential roost trees was completed in the thicket/woodland portions of the property but that potential for roost trees was limited because of the young age and small diameter of most trees. However, the EIS indicates that potential roost trees were identified within the forest communities, but that an assessment was not warranted as these trees will not be impacted by future land use. Had an EIS TOR been circulated for Regional review and approval, staff would have required acoustic monitoring for bats in all woodland communities as the results would inform an appropriate buffer width from forested communities. In the absence of acoustic monitoring data, larger buffer widths adjacent to the forested communities are required. The EIS Addendum should include a re-evaluation of all recommended buffer widths following the precautionary principle.

3. The wetland vegetation community (SWD1-3) identified on the southern portion of the property was confirmed to meet criteria to be designated 'Other wetland'. NOP policy 3.1.9.5.6 outlines requirements should an 'Other wetland' be proposed for removal. Staff request that the EIS Addendum elaborate on how this NOP policy is being addressed. Further, the EIS recommends that amphibian breeding habitat currently available in the 'other wetland' be recreated in other areas of the property, potentially within the valley floodplain or in suitable areas of the buffer adjacent to the woodland. Staff require additional information to confirm that opportunities to replace the ecological functions currently provided by the 'other wetland' exist on the subject lands. Staff note that creating amphibian habitat adjacent to an industrial land use is not appropriate and, as such, the creation of amphibian ponds in the woodland buffer will not be supported. In addition, a buffer will be required adjacent to any restored amphibian ponds. The EIS Addendum should identify an appropriate location of amphibian habitat creation and recommend a buffer width to ensure long-term protection.
4. The Treed Hedgerow (FODM12) requires re-evaluation due to its proximity to adjacent woodlands.
5. The boundaries of NES features, including Significant Woodlands, 'Other Woodlands' and wetlands, are required to be staked with Regional staff and surveyed. As the extent of NES feature boundaries have not been confirmed by Regional staff, this exercise should be undertaken before circulating a revised application.
6. The conceptual Site Plan identified on Figure 5 in the EIS shows the footprint of Industrial Blocks extending within the recommended NES buffers. Staff note that no development and/or site alteration (including lot lines) are permitted within NES features or their associated buffers. The EIS Addendum should include a revised conceptual Site Plan that conforms to Provincial and Regional policy requirements.

At this time, staff cannot recommend conditions of approval pertaining the environmental interests as additional information is required to confirm that the proposal will not have significant negative impacts to the NES. An EIS Addendum is requested to address the concerns summarized above.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca)

should you have any questions or like to arrange a meeting. Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Servicing for the proposed development will be under the jurisdiction of the Town of Niagara-on-the-Lake. The proposed development will require the construction of a new watermain, sanitary and storm sewer system. New and extended services must be approved through the Town's consolidated linear ECA process and drinking water license.

## **Regional Sewer Use By-Law**

The Niagara Region's Sewer Use By-law requires owner/occupants of commercial, institutional or industrial premises to install and maintain a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of sewage effluent from the proposed development. Further, every manhole installed must be located on the property of the owner as close to the property line as possible.

As such, staff require that future site servicing plan(s) show a sanitary inspection manhole located near the property line in accordance with Niagara Region's Sewer Use By-law. The full requirements of the Region's Sewer Use By-Law are available on the Region's website at the following location:

<https://www.niagararegion.ca/government/bylaws/pdf/Sewer%20Use%20By-Law.pdf>

## **Stormwater Management**

The 'Functional Servicing Report and Stormwater Management Report' prepared by CF Crozier & Associates Inc.(dated December 2023) proposes two storm outlets. The report outlines the main development will outlet to Six Mile Creek through a stormwater management (SWM) pond and Block 1 will outlet to an unnamed tributary of Six Mile Creek. Staff notes the SWM plan covers only the subject lands and requires roof storage and flow control on all future buildings (refer to Servicing Plan C102). Additionally staff highlight that the SWM and engineering plan details will be subject to the review and approval of Town staff to ensure the requirements for SWM facility and Northwood Court to be adequately addressed. At the discretion of Town staff, the applicant should consider the following comments prior to final approval:

- That the erosion control requirements for Block 1 be depicted on the Servicing Plan C102.
- The provided permanent pool storage in the Report Table 14 should be 873m<sup>3</sup> rather than 1338m<sup>3</sup>, refer to Appendix C 'SWM Pond Stage Storage Calculation'.

- Details of the pond outlet structure are missing within the report. The assumed stage-storage-discharge used in analysis modeling may not adequately represent the SWM pond's real operation. The 100-year water level in the pond is inconsistent between 'SWM Pond Section' and Table 11.
- A deeper forebay is preferred as per the MECP Design Manual. A deeper micro-pool may be constructed, if practical, to prevent sediment resuspension at outlet.
- Confirm the runoff volume from a 25mm storm and clarify how the required extended storage of 821m<sup>3</sup> is obtained as the analysis model output includes a scenario of 30mm storm rather than a 25mm storm. Refer to Appendix C 'Extended Detention Specifications – SWM Pond Design', an orifice smaller than 153mm should be selected. Note a drawdown time greater than 24 hours is better for erosion control.
- It is suggested that a 24-hour design storm be used in sizing the SWM pond to justify the facility contains an adequate detention storage and freeboard.
- Confirm access for pond inspection and maintenance has been considered in the pond design. It is recommended that pond inspection and maintenance requirements be prepared for future owner.
- There are various typos in the report, e.g., the pervious and impervious area in Table 7, the ratio of forebay length to width (25m to 11.6m) in Table 15.

## **Waste Collection**

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- Green – Green Bins Equivalent to 8 Green Carts (weekly collection)
- Waste – 8 containers (bi-weekly collection)
- Curbside collection only

The proposed subdivision will require the construction of the road from Westwood Court to the proposed development for access for the waste collection trucks. Please note the conceptual Site Plan and road configuration is to conform to Provincial and Regional policy requirements.

## **Conclusion**

In conclusion, Regional Growth Strategy and Economic Development staff is unable to support approval of this application at this time. As outlined above, confirmation that the proposal will not have significant negative impacts to the NES is required, and a revised EIS is to be submitted to the Region for review.

March 25, 2024

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As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,



Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and Development, Niagara Region



## **Appendix I**

### **Preliminary Regional Conditions of Draft Plan of Subdivision Approval**

#### **353 Townline Road, Niagara-on-the-Lake**

1. That the Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 (March 12, 2020) and Stage 2 (dated January 17, 2023) Archaeological Assessment reports 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 these reports, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following warning clause:

“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 (MCM) (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 Niagara Regional Police Services 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, 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.”

3. 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.

4. 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.
5. 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.
6. 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.
7. 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.

## **Clearance of Conditions**

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

## **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development shall 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.

**Note:** 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 local municipality. The local municipality 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 local municipality.

Niagara-on-the-Lake - 353 Townline Road - 26T-18-24-01

AMIN Pranav <Pranav.Amin1@HydroOne.com>

Mon 4/1/2024 10:23 PM

To: Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

You don't often get email from pranav.amin1@hydroone.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hello,

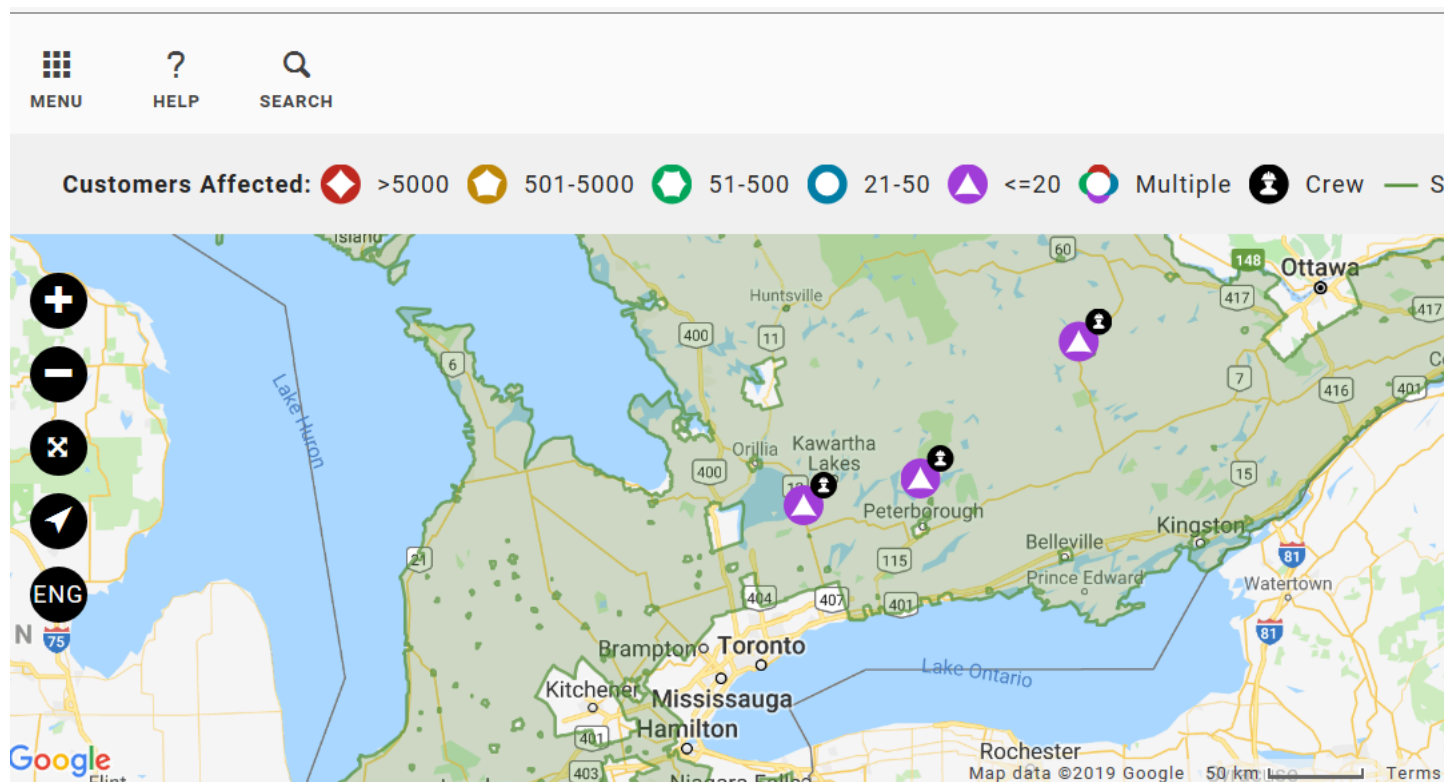
We are in receipt of your Plan of Subdivision application, 26T-18-24-01 dated March 4<sup>th</sup>, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select "Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

August 6, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application – Second Submission  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman).  
353 Townline Road  
Niagara-on-the-Lake**

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Staff of the Regional Growth Strategy and Economic Development Department have reviewed the above-mentioned second submission of the Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake. Regional comments for the first submission were provided on March 25, 2024 (copy attached by e-mail for reference).

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

The following comments for the second submission of this application are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

### Summary

**Regional staff remain unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the Region's Natural Environment System (NES) is outstanding (refer to Natural Heritage comments and Appendix II). Additional analysis is, therefore, required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. Staff continues to recommend a site visit with Regional forestry staff to confirm the precise location of NES features.**

**As such, updated Regional Conditions of Draft Plan of Subdivision Approval in Appendix I: are preliminary and provided for information purposes only at this time. Additional conditions related to natural environment requirements will follow pending the outstanding environmental concern being addressed to the Region's satisfaction.**

### **Provincial and Regional Policies**

The subject land is within a "Settlement Area" under the Provincial Policy Statement, 2020 ("PPS") and "Designated Greenfield Area" under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan") and the Niagara Official Plan ("NOP"). The subject land is also within a 'Knowledge and Innovation Employment Area' (NOTL-2 Glendale Momentum District) as delineated on Schedule G – Employment Areas of the NOP.

Designated Greenfield Areas are areas within settlement areas that have been designated for development and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service.

The lands are subject to the Town's Glendale Secondary Plan, which is currently under Regional and Town review to update policies and mapping to align with the Glendale Niagara District Plan. Staff note the secondary plan identifies density requirements which contribute to the Town achieving its overall 50 people and jobs per hectare Greenfield Area density target. Additionally, Policy 4.2.1.9 and Table 4-2 of the NOP requires that lands within the Glendale Momentum District Employment Area be planned to achieve a minimum overall density target of 60 jobs per hectare. Staff note

the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will contribute to achieving the overall density target.

Staff have reviewed the updated Planning Rational Report prepared by Kaneff Group (dated July 2024). Further to the Region's comments on the first submission, staff note the report does not provide quantifiable analysis of how the proposal will help reach density targets; nonetheless, the report states that the proposed development will increase the ratio of jobs per hectare for the existing employment area upon development of the subject lands (currently vacant). As such, staff note the Town is to monitor the achievement of these targets and should be satisfied the proposed subdivision will not limit the ability for them to be achieved. Staff is generally satisfied that the application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

## **Archaeological Potential**

Regional comments as provided March 25, 2024 regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with NOP policies, an Environmental Impact Study ("EIS") was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff reviewed a Scoped EIS, prepared by Colville Consulting Inc., (dated January 2024) and provided comments on March 25, 2024, outlining a number of concerns that were to be addressed in an EIS Addendum. Staff have reviewed the EIS Addendum, prepared by Colville Consulting Inc., (dated July 2024), and note that there remains outstanding matters that require additional clarity/justification as outlined in the detailed comments provided in Appendix II. Accordingly, staff are not in a position to support the proposed application at this time. Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features and measure separation distances among others. Staff notes that potential revisions to the Draft Plan of Subdivision may be warranted.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca) should you have any questions or like to arrange a meeting and site visit. Alternatively,

please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Servicing for the proposed development will be under the jurisdiction of the Town of Niagara-on-the-Lake. The proposed development will require the construction of a new watermain, sanitary and storm sewer system. New and extended services must be approved through the Town's consolidated linear ECA process and drinking water license, capacity in the Regional system will need to be confirmed prior to the signing of the CLI ECA forms.

## **Regional Sewer Use By-Law**

Regional comments as provided arch 25, 2024, remain applicable.

## **Stormwater Management**

Staff have reviewed the revised Functional Servicing Report and Stormwater Management Report' prepared by CF Crozier & Associates Inc. (dated July 2024) and offer no objection from a stormwater management ("SWM") perspective, noting that the SWM and engineering plan details are subject to the review and approval of Town staff to ensure local public SWM facility and infrastructure requirements are adequately addressed. Staff suggest an operation and maintenance manual for the SWM facility be prepared for the future owner. Details of the orifice in the outlet structure can be addressed in a future detailed design. A condition in this regard has been included within the attached Appendix I.

Regional staff also encourages SWM comparison study between the "Phase 3 Report – Implementation and Management Plan for Glendale Secondary Plan Update and Scoped Subwatershed Study" and the site's SWM plan, and that a final report be circulated with the findings highlighting any gaps.

## **Waste Collection**

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- Green – Green Bins Equivalent to 8 Green Carts (weekly collection)
- Waste – 8 containers (bi-weekly collection)
- Curbside collection only



The proposed development will require the extension of the Westwood Court cul-de-sac with the proposed Northwood Court to ensure waste collection trucks can access the site. Future engineering plans are to be submitted to ensure the design and road configuration meets the current Regional Waste Collection Policy

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff is unable to support approval of this application at this time. As outlined above and in Appendix II, confirmation that the proposal will not have significant negative impacts to the NES is required. Staff recommend that the Regional Forestry team visit the site to confirm precise NES locations. Additional analysis is required to be submitted to the Region for review in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans .

As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,



Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and Development, Niagara Region



## **Appendix I**

### **Updated Preliminary Regional Conditions of Draft Plan of Subdivision Approval**

#### **353 Townline Road, Niagara-on-the-Lake**

1. That the Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1 (March 12, 2020) and Stage 2 (dated January 17, 2023) Archaeological Assessment reports 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 these reports, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following advisory 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 Niagara Regional Police Service 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. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”

3. 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.
4. 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.
5. 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.
  6. 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 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.
  7. 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.
  8. 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.
  9. 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.

**Appendix II**

**Regional Natural Environment Comment Matrix**

**353 Townline Road, Niagara-on-the-Lake**

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
<p><b><u>Treed Hedgerow</u></b> Staff require more information related to the separation distance between the dripline of the Treed Hedgerow and the FOD2-2/FOD5-5 community located east, as well as the separation distance between the Treed Hedgerow and the SWD1-3 community located south. If the separation distance is less than 20 m, the status of Treed Hedgerow should be re-evaluated. Based on aerial mapping, staff also note that the Treed Hedgerow appears to be larger than 20 m in width, as such if it is confirmed to be an isolated feature additional information is required to confirm it does not meet Woodland criteria. The map below illustrates in green where additional measurements are requested.</p>	<p>A subsequent assessment of this hedgerow was completed on June 13, 2024, to refine the width and proximity of this hedgerow to adjacent woodlands. The refined extent of the hedgerow is illustrated in Figure 3. Based on this delineation, the average width of the hedgerow was determined to be approximately 37 meters. The closest point of this hedgerow's dripline from the woodland associated with the valley is approximately 10 meters. Section 7.3.2 of the Natural Heritage Reference Manual (MNRF 2005) provides guidance on delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40m in average width are often excluded from the delineation of woodland. As the hedgerow on this property averages</p>	<p>The 'hedgerow' is identified as being located less than 20 m from the adjacent woodland. Consistent with the Natural Heritage Reference Manual (MNRF 2005), as it relates to woodland openings, <i>a bisecting opening 20 metres or less in width between crown edges is not considered to divide a woodland into two separate woodlands. The area of the developed opening (e.g., maintained public road or rail line) is not included in the woodland area calculation.</i></p> <p>As such, staff are of the opinion that the trees within the identified 'hedgerow' are a component of the woodland associated with the valley slope.</p>

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
	less than 40m in width and is distinct from the forest communities in the valley, this hedgerow has been excluded from the refined extent of the significant woodland on the property.	<p>If Colville Consulting maintain the position that the hedgerow is a distinct feature from the adjacent FOD community, staff recommend that the entirety of the features be staked with Regional forestry staff and surveyed by an OLS to confirm widths, separation distances and policy considerations.</p> <p>Staff note that an updated policy analysis may be required as well as revisions to the Draft Plan of Subdivision.</p>
<p><b><u>Other Woodland</u></b> Based on observations, the extent of 'other woodland', that does not overlap with the wetland feature, appears to reflect the following map (outlined in red). This is rough approximation. Staff offer no objection to the remainder of the THDM2-6/WODM5 community being identified as thicket. It was fairly clear on-site that this complexed ELC unit is distinctly thicket in some areas, with a lot more tree-cover along the southern boundary of the property. Staff need to know the precise boundaries of the feature so that NOP policies can be appropriately assessed.</p>	While there are some scattered medium sized trees within this community in the southwest corner of the property, the significant majority of this vegetation community has less than 25% canopy coverage and was therefore described as THDM2-6.	<p>Based on staff observations on-site, there's some discrepancy related to whether the scattered medium sized trees should have been classified as a WOD community instead of THD. Staff continue to recommend that having Regional staff delineate the extent of the dripline associated with the scattered trees will confirm if the scattered trees meet Regional criteria to be designated 'other woodland'.</p> <p>Alternatively, a tree inventory can be provided.</p>

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
<p><b><u>Other Wetland</u></b> Staff do not object to the boundaries of the ‘other wetland’ depicted in the EIS. That said, additional survey work was being completed on-site in this area. Staff request that a copy of that updated information be circulated when it’s available. As noted on-site, should the ‘other wetland’ be proposed for removal, NOP policies need to be satisfied, including demonstrating no negative impact to the ecological and hydrological functions being provided by the wetland. Any restoration proposed to address the loss of ecological/hydrological function will need to be located in an appropriate location to ensure long-term protection. As noted previously, locating wetland habitat/vernal pools adjacent to a future industrial use is not appropriate.</p>	<p>As this wetland appears to be created by previous site alteration and is not providing any significant habitat functions, it is recommended that potential amphibian breeding habitat available in the wetland be recreated within suitable areas of the buffer adjacent to the woodland. Maintaining potential amphibian breeding habitat on the property will maintain the primary wetland habitat functions of the wetland. It appears from our assessment that approximately 700m2 of vernal pool within the wetland will be impacted by the construction of the roadway, as well as proposed future industrial development on the site (shown on Figure 5). It is recommended that the potential amphibian breeding habitat in this area be recreated within the Significant Woodland buffer zone. To satisfy Region staff that have voiced concerns over creating amphibian breeding habitat directly adjacent to industrial land uses, pools should be constructed within the woodland buffer as far from the proposed industrial blocks as feasibly possible.</p>	<p>Staff request that NOP Policy 3.1.9.5.6 be assessed. This policy states that if the ‘other wetland’ is a treed community with a canopy coverage greater than 25%, and the criteria for <i>other woodlands</i> are met, the <i>other woodland</i> policies of the NOP shall apply. Similarly, if the <i>other wetland</i> is a treed community with a canopy coverage greater than 60%, and the other criteria for <i>significant woodlands</i> are met, the <i>significant woodland</i> policies of the NOP shall apply.  If neither <i>other woodland</i> or <i>significant woodland</i> criteria are achieved, then Policy 3.1.9.5.6 states that ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed.  Staff note that the wetland community was identified as SWD1-3 (Pin Oak Mineral Deciduous Swamp) which is identified by NHIC as a rare vegetation community (S2S3).</p>

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
		<p>Further, it has been identified as providing amphibian breeding habitat for 2 species of amphibians. As such, the test of no ecological negative impact has not been sufficiently addressed, and the full removal of this community would not be supported by Regional policy. As such, additional justification is required or alternatively the proposed Subdivision Plan should be revisited to retain at least the majority of this feature in-situ.</p> <p>In addition, staff remain concerned with the proposal to create amphibian breeding habitat within the woodland buffers located directly adjacent to the proposed industrial land use. Other alternatives should be explored as staff are not in support of creating amphibian breeding habitat in the locations recommended in the EIS Addendum.</p>
<p><b><u>Permanent / Intermittent Watercourse</u></b> Staff confirm that the watercourse moving stormwater from the adjacent property through the subject lands is identified as an intermittent</p>	<p>Our assessment indicates that Watercourse 1 on the north end of the property is functioning as a stormwater conveyance channel, conveying water from industrial lands south of the property to Queenston</p>	<p>Staff offer no objection to the recommended 5 m buffer from Watercourse 1. Staff note a Restoration Plan will be recommended as a condition of</p>



Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
watercourse. As such, consistent with NOP policies, staff require the EIS Addendum to recommend an appropriate buffer width to ensure no negative impact occurs to the watercourse as a result of the proposed development.	Road. As this watercourse has little, if any, ecological functions, it is recommended that a buffer of 5m be maintained from this watercourse, however the extent of this buffer should be reassessed as needed following detailed design on blocks adjacent to the watercourse.	approval to restore the feature and buffer.
<p><b><u>Miscellaneous</u></b> Based on conditions observed on-site, it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES) that were not sufficiently evaluated in the EIS. Further, there also appeared to be ‘supporting features and areas’ that would positively contribute to the long-term function of the NES that were not assessed. Consistent with NOP policies, an EIS Addendum should be prepared to detail how applicable these items are to the subject lands.</p>	No response provided in EIS Addendum.	<p>The EIS Addendum does not include a discussion related to <i>supporting features and areas</i> and <i>enhancement opportunities</i> are limited to restoration of natural heritage feature buffers, which will already be required to address development impacts. As such, more detail is requested to confirm the extent of both <i>supporting features and areas</i> as well as <i>enhancement opportunities</i>. Relevant policies are outlined in sections 3.1.15 and 3.1.16, of the NOP.</p> <p>Staff reiterate that based on site observations it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES). The property is currently naturalized with a thicket</p>

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
		community and scattered trees that are presumably supporting the ecological functions of adjacent <i>key natural heritage features and key hydrologic features (i.e., the adjacent valleyland associated with Six Mile Creek)</i> . Additional policy analysis is requested.
As it relates to the proposed buffer/setback widths, staff require additional information to justify why a minimal 10 m setback is appropriate to buffer the NES from a future industrial use. Buffers should be reflective of the change in land use being proposed.	To protect the functions of this woodland, it is recommended that an average buffer of approximately 10m be considered when designing future development blocks and envelopes on the property. For illustration purposes, a 10m woodland buffer has been included in Figure 5, as well as conceptual development envelopes. It is recommended that the appropriateness of this 10m buffer be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized.	Based on the characterization of the woodland associated with the valleyland, and the proposed industrial land use adjacent, staff are of the opinion that a 10 m buffer is not adequate. Further, conceptual development blocks are illustrated to overlap with the recommended feature buffers. Staff recommend that a minimum 20 m buffer be considered for the plan of subdivision application once the extent of KNHF/KHFs is confirmed. As noted in the EIS Addendum, the appropriateness of this buffer width can be reassessed in the future as part of site specific EIS's when detailed designs are available.
<b><u>Summary</u></b> In an effort to address some of the items outlined above, staff recommend that the Region's Forestry		Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features, measure separation

Regional Comments (Dated May 7, 2024)	Colville Comment (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)
team visit the site to confirm the precise locations of the woodland features and measure separation distances, etc. Please let us know if the property owner is agreeable to this approach and we can coordinate a date/time to complete this work. An EIS Addendum should be prepared to address the other items.		distances, etc. Please contact Adam Boudens, Senior Environmental Planner, <a href="mailto:adam.boudens@niagararegion.ca">adam.boudens@niagararegion.ca</a> to coordinate a site visit.

October 18, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments**  
**Draft Plan of Subdivision**  
**Town of Niagara-on-the-Lake: 353 Townline Road**  
Municipal File No.: 26T-18-24-01

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The NPCA has received a request to review the complete application in relation to a proposed industrial subdivision, inclusive of 9 blocks, where 4 will be for industrial employment uses, with the remaining lands for stormwater management, the existing natural heritage system, a drainage channel, and a 0.3 metre reserve for the proposed roadway. In response to this request, we offer the following comments.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 41/24 of the Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by a valleyland system associated with the Six Mile Creek/Airport Drain Complex. The regulatory floodplain associated with this section of Six Mile Creek is confined to the valleyland. Further, a regulated watercourse crosses the subject lands, immediately north of 345 Townline Road.

### **Draft Plan of Subdivision**

The NPCA attended a site visit on September 20, 2024, with the applicant. Further, the NPCA has reviewed the '*Preliminary Slope Stability Study Assessment*' as prepared by Bendigo Consulting Inc., (dated February 12, 2021) the '*Slope Stability Assessment*' by Soil Engineers Ltd (dated December 13, 2023, with revised report dated July 4, 2024), and the '*Functional Servicing and Stormwater Management Report*' as prepared by Crozier and Associates (dated December 2023 and revised July 2024). The NPCA will require that the location of the stable and physical top of slope be accurately identified on all plans. The stable top of slope shall be confirmed by the Geotechnical Engineer, based on the findings of the revised Report.

Staff note that the current proposal is slated to cut into the valley slope for the purposes of a new stormwater outlet and emergency spillway associated with the proposed stormwater management pond located in close proximity to the edge of the valley. The NPCA generally does not support alterations to a valley slope, where reasonable alternatives exist. As such, and prior to being able to support the proposed alterations, the NPCA will require that alternative approaches to the emergency spillway and outlet be explored. Additional details on the spillway shall be provided to our Agency that confirms that

the use of softer, environmentally friendly treatments have been incorporated into the design. A longitudinal cross section of the spillway shall be provided to NPCA to demonstrate the amount of impact to the slope. It is the preference of the NPCA that the outfall be reconfigured away from the valley wall. While the NPCA can support a vertical drop structure, the outfall location should be at the base of the slope and into the watercourse, rather than out letting onto the valley wall. The *'Preliminary Slope Stability Study Assessment'* (Bendigo Consulting, February 12, 2021) identified erosion issues at the toe of the subject slope along the bank of Six Mile Creek. This is in line with NPCA Staff observations on the site visit. The NPCA advises that erosion was observed along both sides of the bank of Six Mile Creek, extending up a portion of the slope, with numerous tree roots exposed. At the location of the proposed outfall channel on the valley wall, it was noted that a tree previously situated on the bank had all soils within its roots eroded away. Additional trees on the slope were noted to have roots exposed, appearing to be a result of erosion from overland flows. Further, there was a surficial crack in the face of the slope near the outfall location.

The applicant shall, through detailed design, confirm that the proposed outlet and emergency spillway will not cause erosion in the valley slope and into Six Mile Creek. The design shall reduce erosive velocities to the watercourse. Further, the NPCA will require confirmation that future maintenance and repairs can safely be carried out on the outlet and spillway without negative impacts to the valley. The NPCA observed several gullies of various sizes in proximity to the proposed outfall location. As there are currently no concentrated outfalls in this location, the existence of gully erosion points to easily erodible soils. This proposal would see concentrated flows being outlet down a 3:1 (33% grade) slope. The NPCA is of the opinion that this proposal would result in a high rate of erosion and long-term slope instability. Furthermore, silt socks are a temporary measure and the NPCA considers the use inappropriate for long term erosion mitigation. Alternative measures are to be implemented.

The 'Scoped Environmental Impact Study, 353 Townline Road' as prepared by Colville Consulting (dated January 2024) has been reviewed by the NPCA. This report recommends that watercourse 1 on the north end of the property be afforded a 5m naturally vegetated buffer, to which the NPCA is supportive.

Furthermore, the NPCA has reviewed the stormwater quantity controls for the site. The NPCA notes that post-development flows will be attenuated to pre-development levels for both drainage catchment areas, and that roof storage and a wet pond will be used to facilitate this. The NPCA does not offer objections. With respect to erosion control, the NPCA notes that extended detention time is required for the 25mm storm over 24 hours, or retention of the 5mm event runoff. Staff are aware that the roof storage and the proposed wet pond are used to facilitate this aspect as well. In principle, the NPCA would not offer objections

### **Conditions of Draft Approval**

In an effort to assist in moving this development forward, NPCA staff have agreed to address the outstanding information through Conditions of Draft Plan Approval. This is on the understanding that the NPCA is not obligated to clear any of its conditions if it is not satisfied with the information provided. The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application.

1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings. The Owner 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.

2. That prior to the commencement of any works or site alterations, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed stormwater outlet and emergency spillway. In support of the application, the following information will be required:
  - a. Detailed design plans.
  - b. Confirmation from a qualified Geotechnical Engineer that the design will not compromise the long-term integrity of the slope.
  - c. Confirmation of no reasonable alternative to the location of the spillway
  - d. Justification and supporting documentation to the outfall as designed, rather than the use of the NPCA recommended vertical drop structure.
  - e. Any other information as may be determined necessary by the NPCA.
3. That prior to the commencement of any works or site alterations, the Owner shall obtain Work Permits from the NPCA for all other works within the NPCA regulated features or associated buffers including but not limited to any stormwater outfalls, restoration/enhancement plans, pre-grading/servicing, subdivision build out, etc.
4. That Block 6 & 7 be dedicated to the Town of Niagara-on-the-Lake or other public agency, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That Conditions 1 to 4 above 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. The Town of Niagara-on-the-Lake shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

## **Conclusion**

In summary, the NPCA is generally supportive of the Subdivision for the subject lands. The NPCA continues to have concerns regarding the design of the outlet on the valley wall. However, it is the opinion of the NPCA that these concerns can be dealt with through the Clearance of Conditions stage at detailed design.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Council. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Please send a copy of any Staff Reports to Committee and/or Council once they are available. If you have any questions, please let me know.

Thank you,



Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

cc: Sarah Mastroianni, Manager, Planning and Permits  
David Deluce, MCIP, RPP, Director, Planning and Development  
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, Chief Administrative Officer/Secretary Treasurer

November 8, 2024

Via Email Only

Victoria Nikoltcheva  
Planner II  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil ON, L0S 1T0

NPCA File No.: PLSUB202400256

Dear Ms. Nikoltcheva,

**Re: Niagara Peninsula Conservation Authority (NPCA) Supplementary Comments**

**Draft Plan of Subdivision**  
**Town of Niagara-on-the-Lake: 353 Townline Road**  
Municipal File No.: 26T-18-24-01

This letter is intended to supplement our previous comment letter of October 18, 2024. The NPCA has considered the applicant's response to our October 18, 2024 comments, which has resulted in updated conditions of draft plan approval. The conditions provided in this letter are intended to replace the conditions in our October 18, 2024 letter.

We previously indicated our concerns with some of the detailed design elements of the subdivision, particularly for the stormwater outfall and emergency spillway. It is our understanding from speaking with the applicant and Crozier Consulting Engineers that the detailed design of the stormwater pond outfall and spillway will include 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 bank. With this additional information, we continue support this application receiving draft plan approval and it is our expectation that our concerns be addressed during the detailed design stage and through NPCA Work Permits. The conditions below are provided to ensure NPCA concerns are addressed.

### **Conditions of Draft Approval**

The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application. At the time of requesting clearance of conditions, the applicant is to provide to the NPCA a summary of how the conditions have been satisfied and include all supporting materials.

1. 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.
2. 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 Assessment prepared by Bendigo Consulting Inc., dated February 12, 2021 and is accurate across the site.

3. 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.
4. 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.
5. 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.
6. That Block 6 & 7 be dedicated to the Town of Niagara-on-the-Lake or other public agency, to the satisfaction of the NPCA.
7. That Conditions 1 to 7 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.

### **Conclusion**

In summary, the NPCA is generally supportive of the Subdivision for the subject lands. It is the expectation of the NPCA that our remaining comments related to the stormwater outfall and emergency spillway be addressed through the detailed design stage and through NPCA Work Permits.

I trust the above will be of assistance to you. Should you have any further questions or require further information on this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Council. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Please send a copy of any Staff Reports and/or Council recommendations once they are available. If you have any questions, please let me know.

Thank you,



for Taran Lennard  
Watershed Planner II  
(905) 788-3135 ext. 277  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

cc: Sarah Mastroianni, Manager, Planning and Permits  
David Deluce, MCIP, RPP, Director, Planning and Development  
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, Chief Administrative Officer/Secretary Treasurer

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**RE: 353 Townline Road - Environmental Block Ownership NPCA Condition**

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**From** Taran Lennard <tlennard@npca.ca>

**Date** Fri 1/31/2025 8:41 AM

**To** Victoria Nikoltcheva <Victoria.Nikoltcheva@notl.com>

**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Victoria,

David and I have discussed. We've no objection to the removal of the Town from the condition and leaving the wording as the following:

*6. That Block 6 & 7 be dedicated a public agency, to the satisfaction of the NPCA.*

Thank you.



**Taran Lennard**  
Watershed Planner II

**Niagara Peninsula Conservation Authority (NPCA)**  
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

[www.npca.ca](http://www.npca.ca)

[tlennard@npca.ca](mailto:tlennard@npca.ca)

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

**Public Works Growth Management and Planning Division**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

November 29, 2024

Region File: PLSD202400041

Victoria Nikoltcheva  
Intermediate Development Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Comments  
Proposed Draft Plan of Subdivision Application – Third Submission  
Town Files: 26T-18-24-01  
Owner: Kaneff Group  
Applicant: Kaneff Group (Kevin Freeman)  
353 Townline Road  
Niagara-on-the-Lake**

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Staff of the Regional Growth Management and Planning Division have reviewed the above-mentioned third submission of the Draft Plan of Subdivision (“SD”) application for 353 Townline Road in Niagara-on-the-Lake. Regional comments for the first submission were provided on March 25, 2024, and second submission on August 6, 2024 (copies attached by e-mail for reference).

The Draft Plan application proposes to create a total of 9 blocks: 4 blocks for future industrial development, 1 block for stormwater management, 1 block for natural heritage conservation, 1 block as a natural heritage conservation buffer, 1 block for a drainage channel, and 1 block to facilitate the extension of the existing public right-of-way (Northwood Court). The lands are to be developed in accordance with the as-of-right “Light Industrial (LI)” and “Prestige Industrial (PI)” zoning for the property.

The following comments for the second submission of this application are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

## Summary

**Regional staff remain unable to support approval of this application at this time as confirmation that the proposal will not have significant negative impacts to the Region's Natural Environment System (NES) is outstanding (refer to Natural Heritage comments and Appendix II). Additional analysis is, therefore, required in order to determine if the development as proposed is consistent with and conforms to Provincial and Regional policies and plans. Staff recommends meeting with agency staff and the applicant to ensure the submission is adequate in addressing comments and fulfilling requirements.**

**As such, Regional Conditions of Draft Plan of Subdivision Approval in Appendix I are preliminary and provided for information purposes only at this time. Additional conditions related to natural environment requirements will follow pending the outstanding environmental requirements being addressed to the Region's satisfaction.**

## **Provincial and Regional Policies**

Regional comments as provided August 6, 2024, remain applicable.

## **Archaeological Potential**

Regional comments as provided March 25, 2024, regarding archaeological potential remain applicable. The previously outlined condition has been included within the attached Appendix.

## **Natural Heritage**

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Significant Woodland, Other Woodland, Other Wetland and a permanent/intermittent watercourse. As such, consistent with NOP policies, an Environmental Impact Study ("EIS") was required in support of the proposed development to confirm the extent of NES features and demonstrate that there will be no ecological or hydrological impacts to the NES.

Staff have reviewed the following documents provided in support of this submission:

- Response to Niagara Region Natural Heritage Comments – 353 Townline Road (prepared by Colville Consulting Inc., dated November 13, 2024)
- Comment Response Matrix – Draft Plan of Subdivision - Response to 2nd Submission Comments
- Revised Draft Plan of Subdivision

Based on our review of the additional information, Growth Management and Planning staff is unable to support the application at this time from an environmental perspective. Additional information is requested to confirm that the proposal will not have negative impacts to the Region's NES as outlined in the 'Regional Natural Environment Comment Matrix' in Appendix II. A meeting between Town and agency staff (Region and NPCA) and subsequently the applicant would be helpful in ensuring the next submission is adequate in addressing comments and fulfilling requirements.

We look forward to working with the applicant and are open to meeting to further discuss our comments, if desired. Please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or [adam.boudens@niagararegion.ca](mailto:adam.boudens@niagararegion.ca). Alternatively, please contact Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or [cara.lampman@niagararegion.ca](mailto:cara.lampman@niagararegion.ca).

## **Servicing**

Regional comments as provided August 6, 2024, remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Regional Sewer Use By-Law**

Regional comments as provided March 25, 2024, remain applicable.

## **Stormwater Management**

Regional comments as provided August 6, 2024, remain applicable. The previously outlined conditions have been included within the attached Appendix.

## **Waste Collection**

The previously outlined condition has been included within the attached Appendix. The previously outlined conditions have been included within the attached Appendix.

## **Conclusion**

In conclusion, Regional Growth Management and Planning Division staff is unable to support approval of this application at this time. As outlined above and in Appendix II, confirmation that the proposal will not have significant negative impacts to the NES is required.

As currently presented, the Region is not in a position to confirm if the subject application is consistent with the PPS and conforms to Regional policy from a Natural Environment perspective. Accordingly, Regional staff is unable to make a determination and issue an exemption for the proposed Official Plan Amendment from Regional approval at this time in accordance with Policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca). Regional staff is also available to discuss these comments further.

Please send a copy of the staff report and notice of the Town's decision on this application.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Valentina Escobar', with a stylized flourish at the end.

Valentina Escobar

Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Growth Management and Planning  
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Cara Lampman, Manager, Environmental Planning, Niagara Region  
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and  
Development, Niagara Region

## **Appendix I**

### **Updated Preliminary Regional Conditions of Draft Plan of Subdivision Approval [For Information Only]**

#### **353 Townline Road, Niagara-on-the-Lake**

1. 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, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition, and a copy of the report(s) and Ministry acknowledgement letter(s) shall be provided to Niagara Region.

NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. That the subdivision agreement between the Owner and Town of Niagara-on-the-Lake include the following advisory 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 Niagara Regional Police Service 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. <https://pre.niagararegion.ca/culture-and-environment/archaeology.aspx>”

3. 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.
4. 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.



5. 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.
6. 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 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.
7. 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.
8. 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.
9. 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.

**Appendix II**

**Regional Natural Environment Comment Matrix**

353 Townline Road, Niagara-on-the-Lake

Regional Comments (Dated May 7, 2024)	Colville Comments (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)	Colville Comments (Response Letter dated November 13, 2024)	Regional Comments (dated November 28, 2024)
<p><u>Treed Hedgerow</u> Staff require more information related to the separation distance between the dripline of the Treed Hedgerow and the FOD2-2/FOD5-5 community located east, as well as the separation distance between the Treed Hedgerow and the SWD1-3 community located south. If the separation distance is less than 20 m, the status of Treed Hedgerow should be reevaluated. Based on aerial mapping, staff also note that the Treed Hedgerow appears to be larger than 20 m in width, as such if it is confirmed to be an isolated feature additional information is required to confirm it does not meet Woodland criteria. The map below illustrates in green where additional measurements are requested.</p>	<p>A subsequent assessment of this hedgerow was completed on June 13, 2024, to refine the width and proximity of this hedgerow to adjacent woodlands. The refined extent of the hedgerow is illustrated in Figure 3. Based on this delineation, the average width of the hedgerow was determined to be approximately 37 meters. The closest point of this hedgerow's dripline from the woodland associated with the valley is approximately 10 meters.</p> <p>Section 7.3.2 of the Natural Heritage Reference Manual (MNR 2005) provides guidance on delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40m in average width are often excluded from the delineation of woodland. As the hedgerow on this property averages less than 40m in width and is distinct from the forest communities in the valley, this hedgerow has been excluded from the refined extent of the</p>	<p>The 'hedgerow' is identified as being located less than 20 m from the adjacent woodland. Consistent with the Natural Heritage Reference Manual (MNR 2005), as it relates to woodland openings, <i>a bisecting opening 20 metres or less in width between crown edges is not considered to divide a woodland into two separate woodlands. The area of the developed opening (e.g., maintained public road or rail line) is not included in the woodland area calculation.</i></p> <p>As such, staff are of the opinion that the trees within the identified 'hedgerow' are a component of the woodland associated with the valley slope.</p> <p>If Colville Consulting maintain the position that the hedgerow is a distinct feature from the adjacent FOD community, staff recommend that the entirety of the features be staked with Regional forestry staff and surveyed by an OLS to confirm widths, separation distances and policy considerations.</p> <p>Staff note that an updated policy analysis may be required as well</p>	<p>A deciduous hedgerow has been identified on the property and has been described in the EIS. This hedgerow measures approximately 37 meters in average width and approximately 0.4ha in area. This hedgerow was also determined to be located approximate 10 meters from the forest community primarily associated with the Six Mile Creek valley, which was determined to be significant woodland.</p> <p>Section 7.3.2 of the Natural Heritage Reference Manual (MNR 2005) provides guidance for delineating the extent of woodland patches. Because of their limited ecological functions, hedgerows less than 40 meters in average width are often excluded from the delineation of woodland. Because the hedgerow on this property averages less than 40 meters in width and is not consistent with woodland criteria established in the Natural Heritage Reference Manual, it is our opinion that this hedgerow should not be considered part of the significant woodland associated with the Six Mile Creek valley. The treed hedgerow is a distinct vegetation community from the significant woodland on the property and should be treated as such through this review.</p> <p>In response to comments provided by the Niagara Region, a site visit was conducted with Niagara Region staff on September 10, 2024. From our discussion during this site visit, it is understood that Niagara Region staff are considering this treed hedgerow to meet Region criteria associated with other woodland.</p> <p>Schedule L of the Niagara Region Official Plan provides criteria established by the Region for defining other woodlands. To be identified as an other woodland, a terrestrial treed area must have ≥ 25 per cent tree cover and meet one or more of the following criteria: a. an average minimum width of 40 m and is ≥ 0.3 ha, measured to crown edges; or</p>	<p>Consistent with Schedule L of the Niagara Official Plan (NOP), the deciduous woodland (referred to as a 'deciduous hedgerow' in the EIS) has ≥ 25 per cent tree cover and achieves criteria b) (any size abutting a significant woodland, wetland or permanent stream) as it is located within 10 m of a Significant Woodland. It's important to note that criteria b) states 'any size' and does not identity a <i>minimum</i> size. Further, the deciduous woodland is characterized as measuring approximately 37 metres in average width and approximately 0.4ha in area which very nearly also achieves criteria a) (40 m average width and ≥ 0.3ha in area). <b>As such, Regional staff remain of the opinion that the deciduous woodland achieves the designation criteria of 'other woodland' as outlined in the NOP.</b></p> <p>Staff note that the location of the deciduous woodland on the subject lands is mapped in the 2022 NOP as 'significant woodland'. The Township's OP and Zoning By-law have not yet been updated to conform with the NOP.</p> <p><b>Staff request that an updated impact analysis be provided in an EIS Addendum to address NOP 'other woodland' policies.</b> Staff note that revisions to the Draft Plan of Subdivision may be required.</p>

Regional Comments (Dated May 7, 2024)	Colville Comments (EIS Addendum dated July 2024)	Regional Comments (Dated July 31, 2024)	Colville Comments (Response Letter dated November 13, 2024)	Regional Comments (dated November 28, 2024)
	significant woodland on the property.	as revisions to the Draft Plan of Subdivision.	<p>b. any size abutting a significant woodland, wetland or permanent stream. Treed areas that “abut” a significant woodland, wetland or permanent stream are considered adjacent when located within 20 m of each other.</p> <p>It should be noted that these criteria have been established by the Region and are not consistent with provincial guidance provided in the Natural Heritage Reference Manual. Although this hedgerow does not meet provincial guidance to be considered woodland, it is understood that Region staff considered this hedgerow to be other woodland, due simply to the proximity to the significant woodland associated with Six Mile Creek and the associated criteria that has no minimum size threshold for a treed area.</p> <p>This hedgerow has not been identified in any mapping schedules of the Town's Official Plan and it continues to be our conclusion that this hedgerow should not be considered as part of a significant woodland or other woodland.</p> <p>As most trees in this hedgerow are subject to Town By-Law 5139-19, it is our intention to work with Town staff to remain compliant with standards of this By-Law. It is our opinion that Niagara Region policy considerations related to this hedgerow are redundant in the application of Town By-Law 5139-19, and request that Town staff utilize tree replacement requirements of the By-Law in place of Region policies related to other woodlands.</p>	
<u>Other Woodland</u> Based on observations, the extent of ‘other woodland’, that does not overlap with the wetland feature, appears to reflect the following map (outlined in red). This is rough approximation. Staff offer no objection to the remainder of the THDM2-6/WODM5 community being identified as thicket. It was fairly clear on-site that this complexed ELC	While there are some scattered medium sized trees within this community in the southwest corner of the property, the significant majority of this vegetation community has less than 25% canopy coverage and was therefore described as THDM2-6.	Based on staff observations on-site, there’s some discrepancy related to whether the scattered medium sized trees should have been classified as a WOD community instead of THD. Staff continue to recommend that having Regional staff delineate the extent of the dripline associated with the scattered trees will confirm if the scattered trees meet Regional criteria to be designated ‘other woodland’.	<p>Our assessment of the Subject Property indicated that a Buckthorn thicket with scattered trees occurs in the southwest corner of the property. Tree cover in this area was determined to be less than 25%, which is the minimum threshold to be considered other woodland by criteria established in the Niagara Region Official Plan.</p> <p>The site visit conducted with Niagara Region staff on September 10, 2024 confirmed that this portion of the property does not contain tree cover sufficient to be considered woodland. Accordingly, Niagara Region comments from August 6, 2024 related to this item are considered addressed.</p>	Regional staff confirm that based on an August 6, 2024 site visit, the treed area located in the southwest corner of the property does not contain sufficient tree cover to be designated a Natural Environment System (NES) feature.

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unit is distinctly thicket in some areas, with a lot more tree-cover along the southern boundary of the property. Staff need to know the precise boundaries of the feature so that NOP policies can be appropriately assessed.		Alternatively, a tree inventory can be provided.		
<p><u>Other Wetland</u></p> <p>Staff do not object to the boundaries of the ‘other wetland’ depicted in the EIS. That said, additional survey work was being completed on-site in this area. Staff request that a copy of that updated information be circulated when it’s available. As noted on-site, should the ‘other wetland’ be proposed for removal, NOP policies need to be satisfied, including demonstrating no negative impact to the ecological and hydrological functions being provided by the wetland. Any restoration proposed to address the loss of ecological/hydrological function will need to be located in an appropriate location to ensure long-term protection. As noted previously, locating wetland habitat/vernal pools adjacent to a future</p>	<p>As this wetland appears to be created by previous site alteration and is not providing any significant habitat functions, it is recommended that potential amphibian breeding habitat available in the wetland be recreated within suitable areas of the buffer adjacent to the woodland. Maintaining potential amphibian breeding habitat on the property will maintain the primary wetland habitat functions of the wetland.</p> <p>It appears from our assessment that approximately 700m2 of vernal pool within the wetland will be impacted by the construction of the roadway, as well as proposed future industrial development on the site (shown on Figure 5). It is recommended that the potential amphibian breeding habitat in this area be recreated within the Significant Woodland buffer zone. To satisfy Region staff that have voiced concerns over creating amphibian</p>	<p>Staff request that NOP Policy 3.1.9.5.6 be assessed. This policy states that if the ‘other wetland’ is a treed community with a canopy coverage greater than 25%, and the criteria for <i>other woodlands</i> are met, the <i>other woodland</i> policies of the NOP shall apply. Similarly, if the <i>other wetland</i> is a treed community with a canopy coverage greater than 60%, and the other criteria for <i>significant woodlands</i> are met, the <i>significant woodland</i> policies of the NOP shall apply.</p> <p>If neither <i>other woodland</i> or <i>significant woodland</i> criteria are achieved, then Policy 3.1.9.5.6 states that ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed.</p> <p>Staff note that the wetland community was identified as SWD1-3 (Pin Oak Mineral Deciduous Swamp) which is identified by NHIC as a rare vegetation community (S2S3).</p>	<p>A small wetland area was identified on the southern portion of the property during our inventories. This wetland appears to have been created through historical site alteration on the property, with this portion of the property supporting fruit orchard in the 1965 air photos. This wetland area consists of a vernal pool that measures approximately 700m2 in size and is vegetated primarily with mid-aged Pin Oak trees.</p> <p>During our discussion on site August 6, 2024, it was agreed that ecological functions associated with this wetland could be relocated to other areas of the property. There was however concern by Niagara Region staff that vernal pools to be created should not be located in the woodland buffer adjacent to the proposed lots. It was agreed that we would explore possible alternate locations for vernal pools on the property.</p> <p>As illustrated in the attached undated Figure 5, vernal pools have been relocated to the northeast corner of the property, within an area of regenerating woodland. Situating the vernal pools in this area will utilize natural topography and slope towards the valley to collect surface water, as well as diversify potential ecological functions of the woodland in this area.</p> <p>These new vernal pool locations are considered to be conceptual at this point, but can be incorporated into an EIS addendum as needed. It is our opinion that these vernal pools will provide similar habitat functions to the current vernal pool on the property and ultimately satisfy Region policies related to other wetlands.</p>	<p>Staff requested that the wetland area be assessed in accordance with NOP Policy 3.1.9.5.6 to first determine if ‘significant woodland’ or ‘other woodland’ designation criteria are achieved. Following that assessment, if neither woodland types are confirmed present, then an analysis of ‘no negative impact on the ecological function of the other wetland, and the maintenance of the hydrologic function of the other wetland’ must be addressed to the satisfaction of the approval agencies.</p> <p><b>Staff note that an analysis of NOP Policy 3.1.9.5.6 (a through c) has yet to be provided. As such, it is premature for staff to comment on the full removal of the ‘other wetland’ from the subject lands, or the appropriateness of relocating vernal pools.</b></p> <p>That said, in an effort to ensure that any analysis related to vernal pool relocation provided in future Reports is sufficient, staff caution that impacting an existing woodland feature to create habitat for amphibians will be difficult to support without robust justification.</p>



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industrial use is not appropriate.	breeding habitat directly adjacent to industrial land uses, pools should be constructed within the woodland buffer as far from the proposed industrial blocks as feasibly possible.	<p>Further, it has been identified as providing amphibian breeding habitat for 2 species of amphibians. As such, the test of no ecological negative impact has not sufficiently addressed, and the full removal of this community would not be supported by Regional policy. As such, additional justification is required or alternatively the proposed Subdivision Plan should be revisited to retain at least the majority of this feature in-situ.</p> <p>In addition, staff remain concerned with the proposal to create amphibian breeding habitat within the woodland buffers located directly adjacent to the proposed industrial land use. Other alternatives should be explored as staff are not in support of creating amphibian breeding habitat in the locations recommended in the EIS Addendum.</p>		
<u>Permanent/Intermittent Watercourse</u> Staff confirm that the watercourse moving stormwater from the adjacent property through the subject lands is identified as an intermittent watercourse. As such, consistent with NOP policies, staff require the EIS Addendum to recommend an appropriate buffer width to ensure no negative impact occurs to the watercourse	Our assessment indicates that Watercourse 1 on the north end of the property is functioning as a stormwater conveyance channel, conveying water from industrial lands south of the property to Queenston Road. As this watercourse has little, if any, ecological functions, it is recommended that a buffer of 5m be maintained from this watercourse, however the extent of this buffer should be reassessed as needed	Staff offer no objection to the recommended 5 m buffer from Watercourse 1. A Restoration Plan will be recommended as a condition of approval to restore the feature and buffer.	N/A	N/A

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as a result of the proposed development.	following detailed design on blocks adjacent to the watercourse.			
<u>Miscellaneous</u> Based on conditions observed on-site, it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES) that were not sufficiently evaluated in the EIS. Further, there also appeared to be 'supporting features and areas' that would positively contribute to the long-term function of the NES that were not assessed. Consistent with NOP policies, an EIS Addendum should be prepared to detail how applicable these items are to the subject lands.	No response provided in EIS Addendum.	<p>The EIS Addendum does not include a discussion related to <i>supporting features and areas</i> and <i>enhancement opportunities</i> are limited to restoration of natural heritage feature buffers, which will already be required to address development impacts. As such, more detail is requested to confirm the extent of both <i>supporting features and areas</i> as well as <i>enhancement opportunities</i>. Relevant policies are outlined in sections 3.1.15 and 3.1.16, of the NOP.</p> <p>Staff reiterate that based on site observations it was apparent that there were likely opportunities for enhancement that would contribute to biodiversity and the ecological function of the Natural Environment System (NES). The property is currently naturalized with a thicket community and scattered trees that are presumably supporting the ecological functions of adjacent <i>key natural heritage features and key hydrologic features (i.e., the adjacent valleyland associated with Six Mile Creek)</i>. Additional policy analysis is requested.</p>	<p><i>Supporting Features</i> Niagara Region staff raised a concern in comments that potential supporting features on the property were not assessed as part of the EIS. The Niagara Region Official Plan defines supporting features and areas to mean lands that have been restored or have the potential of being restored. Supporting features and areas include grasslands, meadows, and thickets, other valleylands, other wildlife habitat and enhancement areas where they are determined to contribute to the biodiversity and ecological function of the natural environment system.</p> <p>Areas of the property considered by Niagara Region staff to meet the criteria as supporting features correspond to the meadow and thicket communities identified in the EIS. These vegetation communities have established on lands that were formerly in agricultural production and have resulted from a lack of maintenance due to the lands being considered for industrial use.</p> <p>An assessment of potential supporting features can be included in an updated EIS as needed, however it should be noted that supporting features as defined by the Niagara Region Official Plan are not consistent with any provincially established criteria and are not included within the Town Official Plan. It is our opinion that these lands have been designated and zoned for industrial uses, and the contention that these lands should be considered for protection or enhancement is not consistent with the intended land uses.</p>	<p>Staff note that development applications requiring Planning Act approval (e.g, Site Plans, Draft Plan of Subdivision, etc.) are circulated for Regional review and therefore shall be consistent with NOP policies. As noted, the Township's OP has not yet been updated to conform with the policies of the 2022 NOP, but regardless NOP policies are still applicable. <b>As such, staff continue to request that an analysis of NOP policies 3.1.15 and 3.1.16 be provided.</b></p> <p>Staff note that conformity with NOP policies is required for all properties requiring Planning Act approval, including lands designated and zoned for industrial purposes.</p>
As it relates to the proposed buffer/setback widths, staff require additional information to justify why a minimal 10 m setback is appropriate to buffer the NES from a future industrial use.	To protect the functions of this woodland, it is recommended that an average buffer of approximately 10m be considered when designing future development blocks and envelopes on the	Based on the characterization of the woodland associated with the valleyland, and the proposed industrial land use adjacent, staff are of the opinion that a 10 m buffer is not adequate. Further, conceptual development blocks are illustrated to overlap with the	Our EIS recommended that an average buffer of approximately 10 meter be considered when designing future development blocks and envelopes on the property. This 10 meter buffer is intended to be a minimum design standard, with the appropriateness of the buffer to be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized. At this time the extent of development on each lot is not known and	As outlined in the most recent EIS submission, consistent with NOP policy 3.1.9.9.1, the ecologically appropriate width of buffers in settlement areas are to be established through an EIS at the time of application for development or site alteration. The width of the buffer would be based on the sensitivity of the

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Buffers should be reflective of the change in land use being proposed.	property. For illustration purposes, a 10m woodland buffer has been included in Figure 5, as well as conceptual development envelopes. It is recommended that the appropriateness of this 10m buffer be reassessed as part of site specific EIS's as necessary after detailed designs on each development block have been finalized.	recommended feature buffers. Staff recommend that a minimum 20 m buffer be considered for the plan of subdivision application once the extent of KNHF/KHFs is confirmed. As noted in the EIS Addendum, the appropriateness of this buffer width can be reassessed in the future as part of site specific EIS's when detailed designs are available.	<p>therefore actual required buffers cannot be accurately assessed.</p> <p>In comments from August 6, 2024, Niagara Region staff provided an opinion that the recommended 10 meter buffer is not is not adequate, due to the characterization of the woodland associated with the valley and the proposed industrial land use on the property. Although the final land uses in proximity to the woodland are not known, Region staff recommended that a minimum 20 meter buffer be considered for the plan of subdivision, with the appropriateness of a 20 meter buffer to be reassessed in the future as part of site specific EIS's.</p> <p>It continues to be our opinion that a 10 meter buffer is appropriate as an initial design standard, with this buffer to be modified as needed based on site specific land uses and potential impacts. This approach is consistent with Region Official Plan policy 3.1.9.9.1, which indicates that the ecologically appropriate width of buffers in settlement areas are to be established through an EIS at the time of application for development or site alteration.</p>	<p>ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions <i>as a result of the proposed change in land use.</i></p> <p><b>Staff remain of the opinion that a minimal 10 m buffer is not sufficient based on the characterization of the subject lands provided by Colville Consulting Inc.</b> As noted in previous correspondence with the applicant, with the final land use in proximity to the NES not yet known, the precautionary principle should be applied to ensure the NES is not impacted. <b>As such, a buffer assessment should be completed based on the list of uses permitted in the Town's Zoning By-law.</b></p> <p>Additionally, consistent with NOP Policy 3.1.4.8, where development or stie alteration is proposed within or adjacent to the NES, <i>new lots shall not be created which would fragment an NES feature or any required buffer or vegetation protection zone.</i> As such, the Draft Plan of Subdivision stage is the appropriate time to address NES buffers.</p>
<p><u>Summary</u></p> <p>In an effort to address some of the items outlined above, staff recommend that the Region's Forestry team visit the site to confirm the precise locations of the woodland features and measure separation distances, etc. Please let us know if the property owner is agreeable to this approach and we can coordinate a date/time to</p>		<p>Staff continue to recommend that the Region's Forestry team visit the site to confirm the precise locations of NES features, measure separation distances, etc. Please contact Adam Boudens, Senior Environmental Planner, <a href="mailto:adam.boudens@niagararegion.ca">adam.boudens@niagararegion.ca</a> to coordinate a site visit.</p>		

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complete this work. An EIS Addendum should be prepared to address the other items.				



**From:** Krista Kemp  
**Sent:** Monday, March 18, 2024 2:30 PM  
**To:** Clerks <clerks@notl.com>  
**Subject:** File 26T-18-24-01 - 353 Townline Rd. NOTL Application

Greetings,

I am the homeowner located at 523 Queenston Rd and this application of a Draft Plan for a subdivision concerns me greatly!

The suggested development plans list this space directly attached to my backyard, as zoned for industrial use. I'm seeking clarification on what this entails, ie., what type of industry, how tall and close to my property will these structures be, and what level of noise as well as bright parking lights shining in my backyard and how this will all greatly impact my right to enjoyment of my own personal space.

As well I would like to see the assessment I assumed has been completed on the impact this will have on the nature and wildlife that depend on this space. Namely, I'm concerned about the fish (koi), the turtles, the birds (herring, ducks,

waterfowl), frogs, coyotes, and deer to name just a few!! We also have bee hives on our property that depend on this space in order to thrive.

Additionally, I'm concerned about the level of noise this will bring. Not only once this industrial space is finished but the **years** of hearing the heavy machines doing this construction will bring!! Not to mention the amount of dust and debris this will blow onto my property! What parameters are being put into place to address all the impact this development will have on myself and my neighbours!

I would also like to mention that as a 10 year+ resident here, I have noticed that the building at the corner of Westwood Court continues to be up for lease. I would like to know what is the purpose of this proposed industrial use since there is a structure that has been vacant in all the years I have lived here and now you are going to build more when this has clearly never been used? There was recently another huge build across the street from the new Central Church on York Rd which is also advertising "for lease". Are we going to continue to fill in space just to have them be vacant?

I know my voice will fall on deaf ears and I know that big development/money talks, but I'd like to be a voice for the ones that don't, mostly nature and the animals that need this environment as well as my neighbours. I realize also that the enjoyment of my own space is of no relevance but I would just like my concerns addressed so that I may consider my future options regarding my property. I have always loved where I live and enjoy Niagara On The Lake but I am saddened that beautiful spaces get sacrificed for dollar bills.

I thank you for your time and I look forward to further correspondence and tuning into the Open House on Wednesday, March 20.

Cordially,  
Rev. Krista Kemp