

NOTICE

**THE MAYOR HAS CALLED
A SPECIAL MEETING OF COUNCIL**

AT 7:00 P.M.

TUESDAY, NOVEMBER 10, 2020

IN OPEN SESSION

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website:

<https://www.welland.ca/Council/LiveStream.asp>

A handwritten signature in blue ink, appearing to read 'T. Stephens', is written over a horizontal line.

**Tara Stephens,
City Clerk**



SPECIAL COUNCIL MEETING

Tuesday, November 10, 2020

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

1. **OPEN SPECIAL COUNCIL MEETING (7:00 p.m.)**
 - 1.1 **ADDITIONS/DELETIONS TO AGENDA**
 - 1.2 **DISCLOSURES OF INTEREST**
 - 1.3 **COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**

2. **ORAL REPORTS AND DELEGATIONS**
 - 2.1 **LEGISLATED PUBLIC HEARINGS PURSUANT TO THE *PLANNING ACT***

20-115 Complete applications have been made by NIAGARA PLANNING GROUP on behalf of NIAGARA HP PROPERTIES INC. to rezone lands legally described as Part of Lot 246, former Township of Thorold, now in the City of Welland, municipally known as 781 Clare Avenue from the existing Residential Low Density 1 - RL1 to Site Specific Residential Medium - RM in Zoning By-law 2017-117. The purpose of the Amendment is to allow for: an interior side yard of 2 metres; rear yard setback of 6 metres; a minimum snow storage area of 17 square metres for a residential use with four or more parking spaces; allow for an aisle width of 1.2 metres for bicycle parking; and, to allow for a landscape buffer of 0.3 metres for a parking lot containing more than 10 but fewer than 100 parking spaces. The Official Plan designation is Low Density Residential. Application for Official Plan Amendment (OPA No. 31) was submitted in conjunction with this application for Zoning By-law Amendment.
(See Report P&B-2020-67 Pages 60 to 68)
 - 2.2 **PRESENTATION(S) - Nil**
 - 2.3 **DELEGATION(S) (maximum 5/10/5 policy) - Nil**
 - 2.4 **AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) - Nil**

3. **COMMITTEE-OF-THE-WHOLE (OPEN)**
(to discuss items removed from Agenda Block)



COUNCIL MEETING AGENDA – Page 2

SPECIAL COUNCIL MEETING

Tuesday, November 10, 2020

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

4. BY-LAWS (SEE AGENDA INDEX)

5. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 10th day of November, 2020. Ref. No. 20-1

6. ADJOURNMENT



SPECIAL COUNCIL MEETING

Tuesday, November 10, 2020

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

Page No.

AGENDA BLOCK

1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION:

Referred from the November 3, 2020 Council Meeting.

- 1 - 5 **TRAF-2020-09** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law. Ref. No. 08-62/20-22 (See By-laws 1 & 2)

2. COMMITTEE AND STAFF REPORTS

1. **Business Arising from Committee-of-the-Whole (closed)**
2. **General Committee Report to Council - Nil**
3. **Budget Review Committee Report to Council - Nil**
4. **Staff Reports**

- 6 - 59 **P&B-2020-66** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Draft Plan of Vacant land Condominium (File No. 26CD-14-20001) made by 1695525 Ontario Inc. for lands at the end of Glenwood Parkway, south of Glenwood Park, west of the Welland Shipping Canal, more specifically described as Part of Lots 141 to 143 (inclusive), Part of block E, Part of Glenwood Parkway (Closed), Registered Plan 62, now Plan 821, former Township of Humberstone, now in the City of Welland, currently with no municipal address. Ref. No. 20-95



SPECIAL COUNCIL MEETING

Tuesday, November 10, 2020

Due to COVID-19 and the closure of the Civic Square

All Electronic Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

Page No.

60 - 68

**Remove From
Block**

P&B-2020-67

Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Official Plan Amendment (OPA NO. 31) and Zoning By-law Amendment (2020-10) submitted by Niagara Planning Group on behalf of Niagara HP Properties Inc. for lands on the west side of Clare Avenue, south of Woodlawn Road, legally described as Part of Lot 246, former Township of Thorold, City of Welland, municipally known as 781 Clare Avenue. Ref. No. 20-115

69 - 71

ENG-2020-35

Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Edgar/Elgin Sewer Separation Phase 3 - Weller Avenue Sidewalk. Ref. No. 18-70/20-26

3. NEW BUSINESS - Nil

4. BY-LAWS

1. A By-law to amend By-law 2008-185, being a By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event. Ref. No. 08-62 (See Report TRAF-2020-09)
2. A By-law to amend By-law 2019-34, being a By-law to establish an administrative penalty system for non-parking related offences. Ref. No. 20-22 (See Report TRAF-2020-09)
3. A By-law to amend By-law 2009-187, being a By-law to establish a Comprehensive Policy for all non-union employees of the Corporation of the City of Welland respecting certain terms and conditions of employment (Schedule "A"). Ref. No. 20-24 (See Report CAO-2020-06 from the Special Council Meeting of October 27, 2020).

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2020-09
NOVEMBER 10, 2020

SUBJECT: USE OF ADMINISTRATIVE PENALTIES FOR THE ENFORCEMENT OF THE SIDEWALK SNOW CLEARING BY-LAW

AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
SUPERVISOR, TRAFFIC, PARKING & BY-LAWS

APPROVING MANAGER: SHERRI-MARIE MILLAR, P.ENG.
MANAGER, ENGINEERING SERVICES

APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2020-09** Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law ; and further
2. THAT Welland City Council directs the City Clerk to amend By-law 2008-185, as follows:

ADD the following to Section 7 – OFFENCES AND PENALTIES

- 7.5 Administrative Penalty By-law 2019-134 applies to each administrative penalty issued pursuant to this By-law.
- 7.6 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law 2019-134, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "A" attached.

ADD Appendix II to By-law 2008-185, SET FINE SCHEDULE - Schedule "A"

3. THAT Welland City Council directs the City Clerk to amend By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:

ADD the following to Schedule "A" – DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Sidewalk Snow Clearing By-law	2008-185, as amended

ADD the following to Schedule "C" – SET FINE SCHEDULES

SET FINE SCHEDULE	PAGE NO.:
Sidewalk Snow Clearing By-law	14

ADD Appendix I to Schedule "C" as page number 14.

ORIGIN AND BACKGROUND:

On November 3rd, 2020 a report was brought before Council to amend the Sidewalk Snow Clearing By-law. The proposed amendments would permit the use of Administrative Penalties; an additional tool to enforce the By-law. During Council discussions the report was referred back to Staff for additional information.

COMMENTS AND ANALYSIS:

The Sidewalk Snow Clearing By-law was initially passed by Council on November 25, 2008. The By-law continues to be enforced on a complaint basis. In 2019, the By-law Enforcement Division received approximately 50 complaints.

When a complaint regarding a snow covered sidewalk is received, the investigating Officer will attend. If the sidewalk is found to be in violation, the Officer will post a notice at the subject property requiring compliance within 48 hours. If the sidewalk is abutting a vacant piece of property then a letter will be sent to the property owner with a compliance date of 7 days (5 days for service, 2 days to complete the work necessary). Once the compliance date expires, the Officer will return and if the sidewalk has not been cleared the Officer can:

- a) Issue a fine for non-compliance; or
- b) Have a contractor complete the work necessary to achieve compliance with the By-law; or
- c) Issue a fine for non-compliance and have a contractor complete the work necessary to achieve compliance with the By-law.

For repeat offenders, the same process would apply. However, the Officer may issue a penalty notice for non-compliance at the initial visit and then proceed with the contractor after the compliance date expires.

If a contractor is used to clear snow/ ice from the sidewalk, the property owner will receive an invoice for the cost of the work, plus a \$200.00 administrative fee.

The proposed penalties do not differentiate between residential, commercial or industrial properties and the same fine would apply regardless of the length of sidewalk the property owner is required to maintain. However, if a contractor is brought in to clear snow/ ice from the sidewalk the property owner will be charged on a per linear foot basis which will have a greater impact on commercial and industrial properties with a large frontage.

The proposed amendments to the City of Welland Sidewalk Snow Clearing By-law are necessary to permit the use of Administrative Penalty System.

Seniors who require assistance with clearing snow/ ice from their sidewalk can contact Community Support Services of Niagara located inside Seaway Mall. CSSN operates a snow buddy program that matches seniors with a student or adult volunteer.

FINANCIAL CONSIDERATION:

As By-laws are added to the Administrative Penalty System an increase to fine revenue can be expected.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

SUMMARY AND CONCLUSION:

Staff are recommending that Council designate the Sidewalk Snow Clearing By-law for which Administrative Penalties can be issued. While Enforcement Officers would still have discretion to commence proceedings under the Provincial Offences Act for a contravention of the By-law, Administrative Penalty System will give City of Welland By-law Enforcement an additional tool to respond to these types of behaviours efficiently and effectively, and without involving the Provincial Offences Court system.

ATTACHMENTS:

Appendix I – SET FINE SCHEDULE – Schedule “C”
Appendix II – SET FINE SCHEDULE – Schedule “A”

Appendix I

SCHEDULE "C"**THE CORPORATION OF THE CITY OF WELLAND****ADMINISTRATIVE PENALTY BY-LAW 2019-134 - SET FINE SCHEDULE**

TO SIDEWALK SNOW CLEARING BY-LAW 2008-185, AS AMENDED BEING A BY-LAW REQUIRING PROPERTY OWNERS TO CLEAR SNOW AND ICE FROM THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY WITHIN TWENTY FOUR HOURS OF THE SUBSTANTIAL END OF A SNOWFALL OR PRECIPITATION EVENT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Fail to remove fallen snow from public sidewalk	Section 4.1.1.	\$250.00
2	Fail to remove fallen ice from public sidewalk	Section 4.1.1.	\$250.00
3	Place/deposit snow upon public sidewalk	Section 4.1.2.	\$250.00
4	Place/deposit ice upon public sidewalk	Section 4.1.2.	\$250.00
5	Place/deposit snow/ice adjacent to fire hydrant	Section 4.1.3.	\$250.00
6	Place/deposit snow/ice in a manner to obstruct access to fire hydrant	Section 4.1.3.	\$250.00
7	Place/deposit snow on traveled portion of highway obstructing traffic	Section 4.1.4.	\$250.00
8	Place/deposit ice on traveled portion of highway obstructing traffic	Section 4.1.4.	\$250.00
9	Place/deposit snow/ice in a manner than interferes with public utility	Section 4.1.5.	\$250.00
10	Place/deposit snow/ice in a manner that interferes with traffic control	Section 4.1.5.	\$250.00
11	Place/deposit snow/ice in a manner that interferes with fire route	Section 4.1.5.	\$250.00
12	Place/deposit snow/ice in a manner that interferes with building system	Section 4.1.5.	\$250.00
13	Place/deposit snow/ice in a manner that interferes with municipal street	Section 4.1.5.	\$250.00
14	Place/deposit snow/ice in a manner that interferes with municipal water/sewer system	Section 4.1.5.	\$250.00
15	Obstruction	Section 6.4.	\$250.00
16	Fail to produce any documents/things required by an Officer	Section 6.5.	\$250.00
17	Furnish false information to an Officer	Section 6.6.	\$250.00

Appendix II


SCHEDULE "A"

THE CORPORATION OF THE CITY OF WELLAND

ADMINISTRATIVE PENALTY BY-LAW 2019-134 - SET FINE SCHEDULE (APS)

TO SIDEWALK SNOW CLEARING BY-LAW 2008-185, AS AMENDED BEING A BY-LAW REQUIRING PROPERTY OWNERS TO CLEAR SNOW AND ICE FROM THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY WITHIN TWENTY FOUR HOURS OF THE SUBSTANTIAL END OF A SNOWFALL OR PRECIPITATION EVENT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Fail to remove fallen snow from public sidewalk	Section 4.1.1.	\$250.00
2	Fail to remove fallen ice from public sidewalk	Section 4.1.1.	\$250.00
3	Place/deposit snow upon public sidewalk	Section 4.1.2.	\$250.00
4	Place/deposit ice upon public sidewalk	Section 4.1.2.	\$250.00
5	Place/deposit snow/ice adjacent to fire hydrant	Section 4.1.3.	\$250.00
6	Place/deposit snow/ice in a manner to obstruct access to fire hydrant	Section 4.1.3.	\$250.00
7	Place/deposit snow on traveled portion of highway obstructing traffic	Section 4.1.4.	\$250.00
8	Place/deposit ice on traveled portion of highway obstructing traffic	Section 4.1.4.	\$250.00
9	Place/deposit snow/ice in a manner than interferes with public utility	Section 4.1.5.	\$250.00
10	Place/deposit snow/ice in a manner that interferes with traffic control	Section 4.1.5.	\$250.00
11	Place/deposit snow/ice in a manner that interferes with fire route	Section 4.1.5.	\$250.00
12	Place/deposit snow/ice in a manner that interferes with building system	Section 4.1.5.	\$250.00
13	Place/deposit snow/ice in a manner that interferes with municipal street	Section 4.1.5.	\$250.00
14	Place/deposit snow/ice in a manner that interferes with municipal water/sewer system	Section 4.1.5.	\$250.00
15	Obstruction	Section 6.4.	\$250.00
16	Fail to produce any documents/things required by an Officer	Section 6.5.	\$250.00
17	Furnish false information to an Officer	Section 6.6.	\$250.00

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2020-66
NOVEMBER 10, 2020

20-95

SUBJECT: APPLICATION FOR DRAFT PLAN OF VACANT LAND CONDOMINIUM (FILE NO. 26CD-14-20001) MADE BY 1695525 ONTARIO INC. FOR LANDS AT THE END OF GLENWOOD PARKWAY, SOUTH OF GLENWOOD PARK, WEST OF THE WELLAND SHIPPING CANAL, MORE SPECIFICALLY DESCRIBED AS PART OF LOTS 141 TO 143 (INCLUSIVE), PART OF BLOCK E, PART OF GLENWOOD PARKWAY (CLOSED), REGISTERED PLAN 62, NOW PLAN 821, FORMER TOWNSHIP OF HUMBERSTONE, NOW IN THE CITY OF WELLAND, CURRENTLY WITH NO MUNICIPAL ADDRESS

AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Vacant Land Condominium for lands described as Lots 141 to 143 (inclusive), Part of Block E, Part of Glenwood Parkway (Closed), Registered Plan 62, now Plan 821, former Township of Humberstone, now in the City of Welland, for lands without municipal address at the terminus of Glenwood Parkway, for the creation of 13 single detached condominium dwellings, subject to the following conditions:

1. That the Owner enter into a Site Plan Agreement with the City of Welland.
2. That the Owner enter into a Condominium Assumption Agreement with the City of Welland.
3. That no grading or site alteration shall occur until the Owner has entered into a Site Plan Agreement with the City of Welland.

4. That the Owner pay Cash-in-lieu of Parkland Dedication as per City Policy.
5. That the Owner work with the City to ensure that parking for Glenwood Park is maintained along Glenwood Parkway.
6. That the following warning clause be included in the Subdivision Agreement and inserted into all Agreements of Purchase and Sale or Lease for each dwelling unit:

“The lands in the plan of subdivision may be exposed to reduce air quality and/or odour, dust, noise, and/or vibration impacts from nearby industrial and commercial operations that may interfere with some activities of the owners/tenants who occupy these lands.”
7. That the Developer submit to the Niagara Peninsula Conservation authority for review and approval, detailed grading and construction sediment and erosion control plans.
8. That limit of work fencing be shown on the grading plan along all portions of the 15 metre buffer and that no grading occur beyond this point, to the NPCA's satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
9. That the Developer provide 1.5 metre high chain link fencing along the boundary of Units 1 to 9 and the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Note, this condition would only apply if the Draft Plan is not modified to incorporate all portions of the wetland buffer into the Common Elements.
10. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:
 - a. A planting plan providing details about species, planting densities, and locations.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
11. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
12. That standard best management construction practices shall be used to mitigate construction dust, noise, and/or exhaust fumes and prevent spills.

13. That a Buffer Planting Plan be prepared by a full member of the Ontario Association of Landscape Architects (OALA) for Regional staff approval to identify and illustrate the location of additional native trees, shrubs, and groundcover to be planted.
14. That a Monitoring Plan is prepared for Regional approval which ensures the required Buffer Plantings are successful and effective over the long term.
15. That a Butternut Health assessment is completed and submitted to the Ministry of Environment Conservation and Parks (MECP) for review and that correspondence from MECP is submitted to the Region which confirms the proposed 25 metre setback from the tree is sufficient.
16. That a Grading Plan be provided to Regional Planning and Development Services for review and approval in order to ensure the surface water flows are directed to the wetland area.
17. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas.
18. That an Erosion and Sediment Control (ESC) Plan be provided for Regional Planning and Development Services for review and approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
19. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law currently in effect.
20. That the site plan agreement contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, Monitoring Plan, and Tree Saving Plan required in accordance with conditions above.
21. The site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include the following warning clause:

“Due to the proximity of the condominium lands to the Dain City Sewage Pumping Station and Detention Facility, Purchasers/Tenants are advised that periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”
22. That the Owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks’ (Brownfield) Environmental Site

- Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
23. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.
24. That the site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:
- "That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."*
25. That the site plan agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:
- "That in order to receive Regional Waste Collection service, owners/tenants will be required to bring their waste and recycling containers to the designated waste collection pads on the required collection day."*
26. That the owner shall submit a written acknowledgement to the Niagara Region Planning and Development Services Division, stating that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
27. That the owner shall submit a written undertaking to the Niagara Region Planning and Development Services Division, stating that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the site plan agreement between the owner and the City of Welland.
28. Prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings (with calculations) for the new sanitary and

storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the transfer of Review Program.

29. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - Detailed erosion and sedimentation control plans;
 - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
30. That the Site Plan Agreement between the Owner and the City contain provisions whereby the owner agrees to implement the approved plans(s) that are required.
31. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- a. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. 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.
32. The owner further agrees to:
- a. 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.
 - b. 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.

- c. 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.
 - d. determine the location of all centralized mail receiving facilities in cooperation 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.
33. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:
- Region of Niagara Conditions: 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30
- Canada Post Conditions: 31, 32
- Niagara Peninsula Conservation Authority: 7, 8, 9, 10
34. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

ORIGIN AND BACKGROUND:

Application for Draft Plan of Vacant Land Condominium was submitted by 1695525 Ontario Inc. to the City of Welland on February 18, 2020 and was deemed complete on February 28, 2020.

A minor modification was made to the plan in October, 2020 to reflect comments made by the Region of Niagara. The modification was made to ensure that all new lot lines were 15 metres from the Locally Significant Wetland boundary. This area will become part of the common elements for the condominium corporation and will not be developed. Fencing will be constructed along this boundary to ensure that there is no development in this area.

COMMENTS AND ANALYSIS:

The Proposal

The proposal for Draft Plan of Vacant Land Condominium has been made for the development of the lands with 13 single detached dwellings on a private, condominium road.

The Site

The lands are located at the end of Glenwood Parkway, south of Glenwood Park. The lands are currently vacant and are a block within the Fusion Homes Draft Plan of Subdivision which was approved in 2010. The lands are 7688 square metres in size.

Surrounding Land Uses

Lands to the north are single detached residential dwellings and Glenwood Park. To the east are natural environment lands that were dedicated to the City as part of the Phase 1 Fusion Homes Subdivision registration. To the west are environmental conservation lands and low density residential uses.

Agency Comments

City of Welland
Infrastructure and
Development Services –
Engineering Division
(August 17, 2020)

- The grading at the back of Lots 10-13 will be sheet flowing towards an existing low point. A swale to direct the drainage to a proper outlet, or other measures shall be reviewed here.
- It appears investigation is still required on the existing catch basin and the outlet. It does not appear to be in the proposed design, and currently it is not at a grade to drain the area if flooding occurs. A review shall be done to confirm if the existing infrastructure will be utilized, including upgrades to outlet pipe and adjustments.
- East side ditch/swale is designed to have a 0.1% grade only. Options to be reviewed to ensure position drainage.
- All construction shall be in accordance with the City of Welland municipal standards, and the updated watermain and appurtenances standard. Drawings shall be revised accordingly.
- The functional servicing report is from 2010. The information could be outdated considering the current development in the area, an

updated of the data would be warranted at this time.

- The functional servicing report noted groundwater at 1.5m depth and the colour of the soil indicates permanent saturated conditions. This may require some additional measures during construction that should be reviewed ahead of time. The Engineering Division is requesting a copy of the geotechnical report to review additional measures that may be required for construction.
- The current 70% TSS oil/grit separator should be reviewed for a possible upgrade to an enhanced standard, considering the property is adjacent to a highly constrained environmental area.
- Revised drawings and additional updated design information shall be submitted to the Engineering Division for review and approval.
- All costs associated with the development of this property shall be the developer's responsibility.
- A pre-construction survey of existing housing units shall be undertaken to protect both the City, the contractor and the residents for insurance purposes, at the developer's expense.
- All work shall be constructed by an approved contractor. All work shall be inspected and documented by the Consulting Engineer's field representative and submitted as as-constructed information to the Engineering Division upon completion of the servicing, in both PDF and AutoCAD formats.

- City of Welland
Infrastructure and
Development Services –
Traffic, Parking, and By-laws
Division
(April 12, 2020)
- The developer's electrical consultant should contact this Division for street light specifications.
- Enbridge Gas Inc.
(May 5, 2020)
- Enbridge Gas Inc. does not object to the proposed application, however, we reserve the right to amend or remove development conditions.
 - The applicant shall contact Enbridge Gas Inc.'s Customer Connections department to determine gas availability, service, and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
 - In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide easement(s) to Enbridge Gas Inc. at no cost.
- Welland Hydro Electric
System Corp.
(April 14, 2020)
- No objections to the proposed application.
 - The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements.
 - If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.
 - If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

Niagara Peninsula
Conservation Authority
(July 23, 2020)

- The proposed development must meet the clearance requirements of Section 3.1.19.1 “Clearance to Buildings” of the Ontario Building Code.
- The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands. The NPCA’s policies provide direction for managing NPCA regulated features. The subject lands abut a watercourse and the Seaway Wetland Complex, which is a locally significant wetland (LSW). The LSW buffer impacts the subject lands.
- The subject lands are part of a larger Draft Approved Plan of Subdivision and constitute Block 8 of that development. This subdivision was approved in 2014 and since that time the NPCA policies have changed to prohibit lot creation closer than 15 metres to a wetland. A reduction of a wetland buffer to 15 metres is only permitted where it can be demonstrated that there will be no negative impact to the feature. As the development predates this policy, there are portions of this block that are within 15 metres of the LSW.
- NPCA staff have reviewed the EIS addendum and have no objection in principle to the 15 metre buffer. The NPCA would recommend that the wetland buffer area be contained within Common Elements.
- Including the wetland buffer in the Common Elements provides greater protection as control over the Common Elements is dictated by the Condominium Board rather than the individual unit holder.
- The applicant has provided mitigation measures to ensure no negative impacts to the LSW. Mitigation measures have been

incorporated into the recommended Conditions of Draft Plan Approval which have been provided.

Region of Niagara Planning and Development Services Division
(September 2, 2020)

- Region of Niagara has reviewed the application based on Provincial and Regional policy. There are outstanding questions and concerns regarding the Environmental Impact Study that was completed for the site, and additional information is required. Until the additional information is provided, the Region cannot support this application as it is premature.

Region of Niagara Planning and Development Services Division
(October 23, 2020)

- The Region has reviewed the application based on a Regional and Provincial prospective.
- The lands are within a Settlement Area as identified by the PPS and the Designated Greenfield Area in the P2G. The lands are also identified as being in the Urban Area of the City of Welland in the Region's Official Plan. New development in these areas shall provide a compact form that allows for the efficient use of land, infrastructure, and public service facilities that are planned or available.
- A minimum combined density of 50 people and jobs per hectare across all Greenfield Areas is required. Based on the number of units and the anticipated number of people who will work from home, the site has an approximate density of 41.9 persons and jobs per hectare, which is below the targeted 50. Although the density is less than the target, the City is required to monitor developments to ensure that the overall density in the City meets the minimum.
- Region of Niagara Environmental staff have reviewed the EIS, as well as the two EIS addendums submitted and are satisfied that the natural heritage area will be protected. Conditions have been included to ensure that

the recommendations of the EIS are implemented.

- The Dain City Sewage Pumping Station and Detention Facility is located to the southwest of the subject lands. It is possible that future dwelling owners may experience unpleasant odours from time to time as a result. Warning clauses have been included to warn future residents.
- A Phase 1 ESA was completed for the site that concluded the former rail line potentially contaminating activity has the potential to impact soil and or groundwater beneath the subdivision. The contaminants associated with the railway tracks and spurs are generally immobile in soil and are not likely to leach into groundwater. Based on this information, the consultant for the applicant has identified that an ESA Phase 2 is not warranted, and the Phase 1 is sufficient to support the filing of the Record of Site Condition.
- The Region can provide waste collection to the site, so long as waste collection pads are provided, in a manner approved by the Region, for units 1-3 and 6-12.
- The site servicing is subject to approval by the City and will require the construction of a new water, sanitary, and storm system. Ministry of Environment, Conservation and Parks Environmental Certificates of Approval are required for any new/extension of municipal sanitary and storm services. The Region can review and approve these.
- The Region would like to review the proposed stormwater management plans. Conditions have been included regarding the requirements for their review.

- The Region has no objection to the proposed plan and has requested a number of Conditions of Draft Plan Approval be included.

A virtual Public Open House was held on August 27, 2020 to gain public input regarding the proposed applications. Seven (7) members of the public participated in the Information Meeting, in addition to agent for the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Grading and drainage and potential impacts on neighbouring residential uses;
- How garbage, emergency services access the site;
- How will the development impact the parking along Glenwood Parkway for the park;
- Geotechnical issues within this area and whether a geotechnical investigation was required;
- Why the ditch running south of the property hasn't been cleaned out;
- Height of the proposed buildings, and how that is measured; and,
- Fencing locations.

At the time of writing this report, one letter has been submitted from a member of the public regarding the application.

The Statutory Meeting under the Planning Act was held on September 15, 2020. Two (2) members of the public participated in the meeting. The comments and questions raised were the same as those presented in the Public Information Meeting, with the additional comment that there was concern with the impact to the natural environment, impact to privacy of the residents on Stanley Street.

Planning Act

Section 51(24) of the *Planning Act* requires that all proposals for Plans of Subdivision regard must be had for to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and there are a number of criteria that must be addressed when reviewing Plans of Subdivision and Condominium. Staff have reviewed the criteria found in Section 51(24) of the Planning Act and are of the opinion that the proposal has regard for all of these criteria.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for all land use within the Province. All land use decisions in the Province must be consistent with the policies in this document. The PPS encourages development to occur in an orderly and efficient manner which takes advantage of existing municipal

infrastructure. It encourages developments to include a range of housing types to provide options for all residents. It also encourages developments to promote active transportation, as well as ensuring developments have access to recreational and employment opportunities. The proposed development is within an area that has municipal infrastructure (water, sanitary, storm, electrical, etc.) and is within close proximity to commercial, recreational, and institutional uses. The development is consistent with the policies in the PPS.

The policies in the PPS speak to protecting the province's natural environment features and identified that development and site alteration is not permitted within significant wetlands. The policies also identify that prior to any development on lands adjacent to those natural environment features, an environmental impact study should be undertaken to ensure no negative impact on the environmental features or their functions. An Environmental Impact Study (EIS) was undertaken by the applicant to determine any impacts the development would have on the adjacent LSW. The EIS identified that there would be no negative impacts to the neighbouring LSW. A planting and tree replacement plan has also been proposed as part of the EIS. This study has been reviewed by the Region of Niagara, Niagara Peninsula Conservation Authority, and the City.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G)

The subject lands are located within the identified Greenfield area as identified in the P2G. The P2G encourages development to occur in both the Greenfield Area and within the Built-Up Area. For lands within the Greenfield Area, a minimum density of 50 persons and jobs per hectare is required across all Greenfield Lands. In addition to this, development is encouraged to occur where there are existing municipal services, and uneconomical expansions to the services will not be required. Based on the size of the property, the number of units proposed, and the anticipated number of people who could work from home, the density of the development is approximately 42 person and jobs per hectare. This density is below the Provincial target on this specific property, but it is calculated across the entire Greenfield area of the City. As this proposal has a density lower than 50 persons and jobs per hectare, the difference will need to be addressed through development on another site in the City. Staff are of the opinion that this lower density is appropriate given the size of the site, environmental restrictions, building restrictions, and location.

The P2G also encourages the creation of complete communities, where the day-to-day needs of residents can be met within walking or cycling distance for residents, reducing the need for car trips. The lands are within walking distance to Glenwood Park. Dain City is not serviced with a Transit route, but it is serviced by the TransCab service which provides access to transit routes for residents. The development of these lands is consistent with the policies of the P2G as it will contribute to a complete community being created.

Region of Niagara Official Plan

The lands are identified as being in the Urban Area of Welland in the Region's Official Plan. The policies in the Region's Official Plan (ROP) are similar to those found in both the PPS and the P2G. The policies encourage infilling and intensification, taking advantage of existing infrastructure and creating communities that provide for the needs of residents. The policies in the Regional Plan support developments that take advantage of existing infrastructure, are transit supportive, and provide a range of uses. The Region's policies also include the same minimum of 50 persons and jobs per hectare as the P2G.

The proposed vacant land condominium will develop underutilized lands within the urban boundary that have access to municipal services and roads. The development has been designed to maximize the use of the property for residential purposes. The dwellings proposed are all single detached dwellings, which is consistent with the already existing uses. The lands are within walking distance to parks and to trail connections.

The proposed development meets the intent of the Regional Official Plan.

City of Welland Official Plan

The lands are designated as Low Density Residential by the City of Welland Official Plan. This designation allows for singles, semis, duplex, triplex, and townhouse dwellings with a density of 15 to 24 dwelling units per hectare. The development across the three phases of the development will be required to meet the minimum density target of 15 units per hectare. Based on preliminary information regarding the final phase of the development, the development across the three phases will meet and exceed the minimum density targets. The proposed single detached dwellings are permitted in the Official Plan.

The lands are within the Urban Area of the City of Welland, and within the identified Greenfield Area. The City's policies require that a minimum of 50 jobs and persons per hectare be achieved for all developments within the Greenfield Area, consistent with the policies in the P2G. As previously identified, this is measured across all Greenfield sites, and the additional density can be accommodated on a site elsewhere within the City.

Section 7.6.2 of the Official Plan outlines criteria that should be examined when reviewing applications for Plans of Subdivision. The criteria within this section are consistent with those in Section 51(24) of the Planning Act. Staff are of the opinion that the criteria in this section have been met and complied with in this proposed Plan of Condominium.

City of Welland Zoning By-law 2017-117

The lands are currently zoned Residential Low Density 2 – RL2 and Environmental Protection Overlay – EP. The EP Zone can be amended without an amendment to the By-law where an EIS has been completed to the satisfaction of the City. As

this has been completed to the satisfaction of the City, Region, and NPCA, the EP line can be amended. No amendments to the Zoning By-law have been requested as the development can meet all minimum requirements. Should any part of the development not comply with the Zoning By-law, an amendment or Minor Variance will be required.

Public Comments

Comments were raised regarding a number of issues: grading and drainage; garbage; parking for Glenwood Park; geotechnical issues; and, natural environment. The grading and drainage issues will be addressed as part of the Site Plan process. The applicant will be required to provide an overall grading plan for the site and to ensure that stormwater does not flow onto neighbouring residential properties.

Garbage collection will be completed by the Region. Garbage collection pads will be provided for units that the garbage truck can not travel in front of. The pads will only be used during garbage day and will not be dumpsters or garbage bins that will be out at all times.

The City currently has constructed a parking area on the southern portion of Glenwood Parkway. This section of the roadway is currently not constructed to municipal standards. The purpose of the parking lot was to provide parking for residents to access the park amenities as roads surrounding Glenwood Park do not permit on-street parking. City staff are currently working with the developer to ensure that ample parking continues to be provided for park users and will provide safe access to their site at the end of Glenwood Parkway. The intent of staff and the developer is to ensure that at least the same number of, or more, parking spaces than currently exist.

The geotechnical constraints are a well known issue within the "Dain City" area. A Geotechnical Investigation was completed by the applicant to support the proposed development. Any construction requirements that are outlined in the geotechnical report will be required to be incorporated at the time of building permit and house construction.

Concerns with the removal of the wooded area and on the natural area have been raised by neighbouring residents. The applicant submitted an EIS, as well as two addendums to the EIS which assessed the proposal and the impact the removal of the wooded area would have on the overall health of the natural features. It was identified that the development would not have an impact on the overall health of the natural features, including the Locally Significant Wetland. There are a number of conditions of Draft Plan Approval which speak to planting requirements, as well as the creation of a Tree Savings Plan to ensure that the natural environment features in the adjacent areas are maintained and continue to be healthy environments. As a result of the comments from the Region, as previously noted, changes have been made to the Draft Plan to ensure that all new lots are 15 metres from the Locally Significant Wetland and will not be impacted by development.

FINANCIAL CONSIDERATION:

There are no financial impacts related to the development of this property. All costs associated with the development of the property will be the responsibility of the owner. Upon completion of construction, the roads and infrastructure on the subject lands will be in the ownership of the condominium corporation, and will be their responsibility for the long term maintenance.

OTHER DEPARTMENT IMPLICATIONS:

All City departments have been circulated the application for review and comment. Where comments or conditions were provided, they were included as part of this report.

SUMMARY AND CONCLUSION:

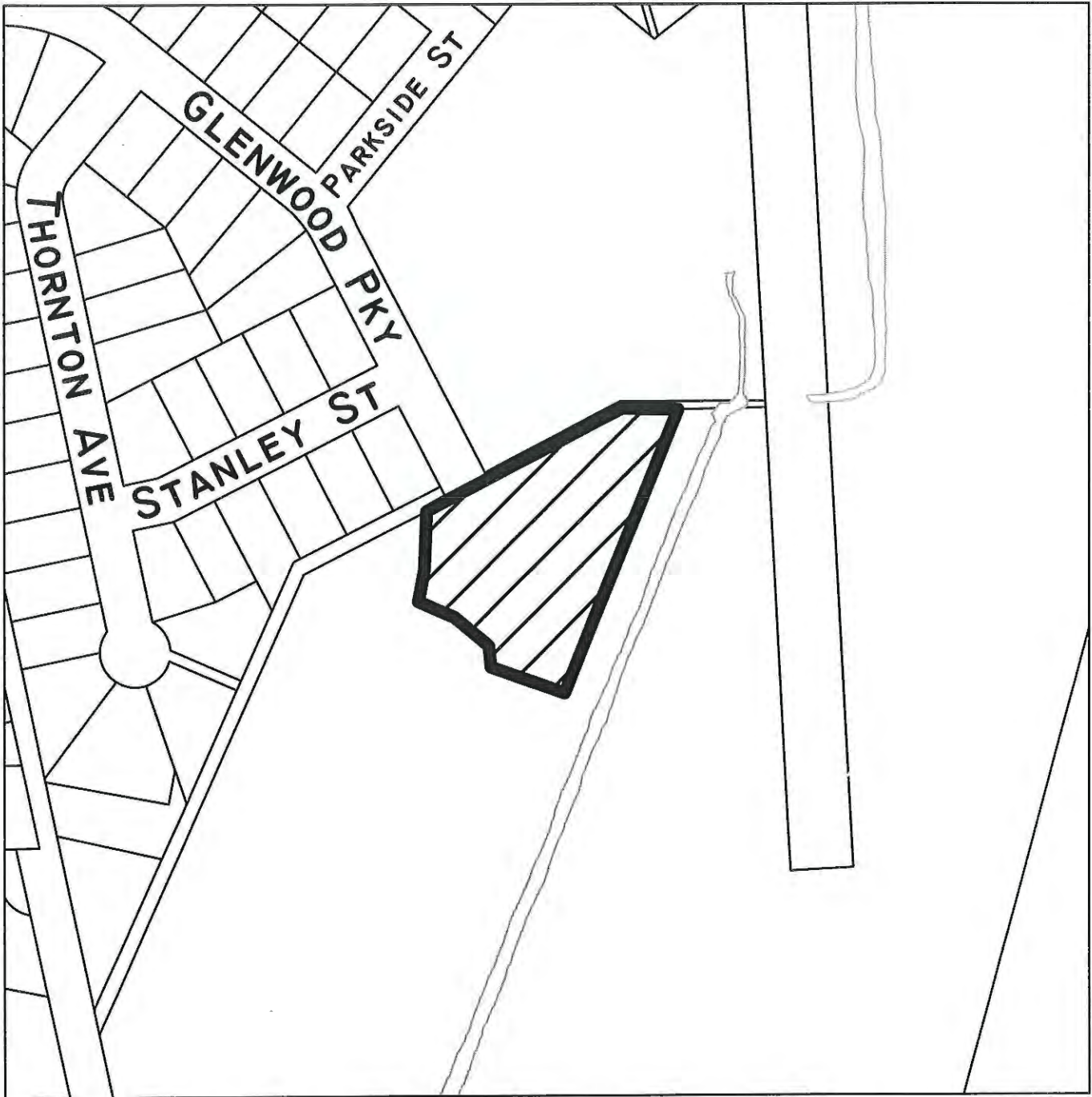
The proposed applications for Draft Plan of Vacant Land Condominium for the creation of 13 condominium townhouses and common element areas, represents good planning because:

1. Is consistent with Provincial, Regional and City policies;
2. Uses existing municipal infrastructure where possible and requires a minimal extension of services at the full cost of the Owner;
3. Will provide long term protection and enhancement of natural heritage features

ATTACHMENTS:

- Appendix I - Location map
- Appendix II - Draft Plan of Vacant Land Condominium
- Appendix III - Correspondence

26CD-14-20001



KEY MAP



SUBJECT LANDS



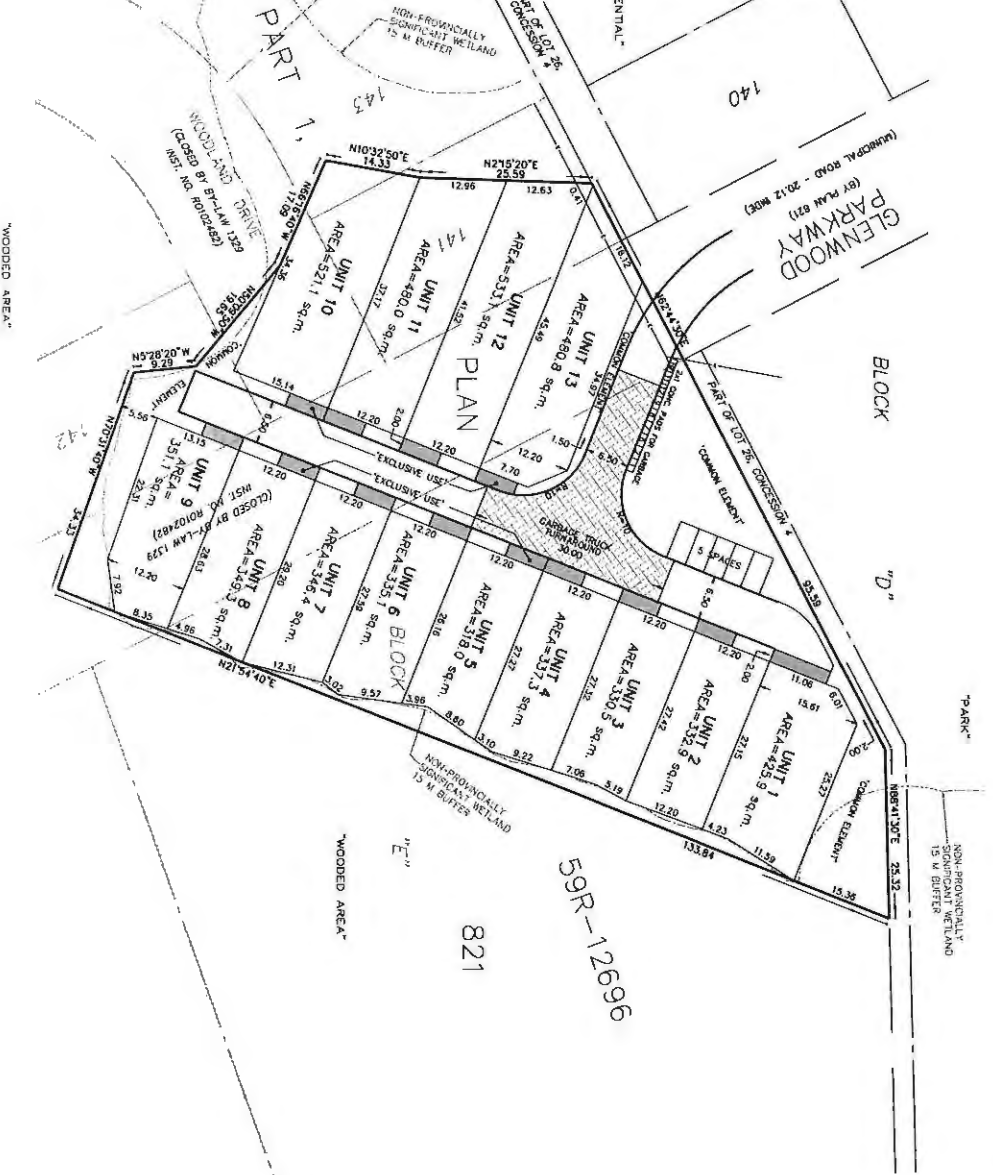
*Infrastructure and
Development Services*
Planning Division

DRAFT PLAN OF VACANT LAND CONDOMINIUM
PART OF LOT 141 TO 143 (BOTH INCLUSIVE)
PART OF BLOCK "E"
PART OF GLENWOOD PARKWAY
 (CLOSED BY BY-LAW 1329, INSTR. NO. R0102482)
 REGISTERED PLAN 62, GEOGRAPHIC TOWNSHIP OF HUMBERSTONE, NOW
PLAN 821
 CITY OF WELLAND
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500



J.D. BARNES LIMITED



KEY PLAN (NOT TO SCALE)

ADDITIONAL INFORMATION REQUIRED
 SECTION 51(17) OF THE PLANNING
 ACT, 1990
 SECTION 9 OF THE CONDOMINIUM
 ACT, 1998

- (A)-AS SHOWN ON DRAFT PLAN
- (B)-AS SHOWN ON DRAFT PLAN
- (C)-AS SHOWN ON DRAFT PLAN AND KEY PLANS
- (D)-THIS IS A PROPOSED RESIDENTIAL CONDOMINIUM
- (E)-AS SHOWN ON DRAFT PLAN
- (F)-AS SHOWN ON DRAFT PLAN
- (G)-AS SHOWN ON DRAFT PLAN
- (H)-MUNICIPAL
- (I)-CLAY LOAM
- (J)-LAND IS GENERALLY FLAT
- (K)-ALL MUNICIPAL SERVICES AVAILABLE
- (L)-NONE

LAND USE ANALYSIS

LOT AREA	NUMBER OF UNITS	DENSITY

OWNER'S CERTIFICATE
 I HEREBY AUTHORIZE J.D. BARNES LIMITED TO SUBMIT
 THIS PLAN TO THE CITY OF WELLAND FOR THEIR APPROVAL.

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND
 ARE CORRECTLY SHOWN.

DATE: _____
 I HAVE THE AUTHORITY:
 169355

J.D. BAR

LAND INFORMATION
 3418 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ONT. L4G 7K5
 T: (905) 354-1445 F: (905) 354-6224

DRAWN BY: TW CHECKED BY: ASB
 DATE: _____

Rachelle Larocque

From: Ali Khan
Sent: April 12, 2020 12:24 PM
To: Rachelle Larocque
Subject: RE: Notice of Application for Vacant Land Condominium - Fusion Homes Phase 2

Hi Rachelle,

Please find an email below from Scott to you in 2019 on this development regarding road and parking. I would suggest to discuss parking option with Vince and Peter. My records shows that there was an internal meeting last September too. I was at the TAC conference so couldn't attend it. Not sure what was the outcome.

From: Scott Richardson [mailto:scott.richardson@welland.ca]
Sent: August 19, 2019 3:26 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Cc: Ali Khan <ali.khan@welland.ca>
Subject: RE: Forks Road Subdivision Parking

Rachelle,

As an official response to the below email, it was pointed out in the precon meeting that they would have to construct Glenwood Parkway into their site as part of the construction. It was also discussed that the existing parking on the unopened Glenwood Parkway would have to be offset somewhere else to accommodate the new road into their site. At no time did we offer to pay or contribute any funds to these requirements. This would be a cost of doing business on their part. The City does not need the roadway and the only reason it would be installed is for an entrance into their proposed development.

As discussed I would agree that further discussions are required with Peter when he returns.

Regards,



C. Scott Richardson, C.E.T.
 Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
 Supervisor Traffic, Parking & Bylaws
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2202 Fax: (905)735-7184
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From: Rachelle Larocque

Sent: April 9, 2020 3:11 PM

To: Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; hunter-perreaultg@csmiamonde.ca; Amanda Degazio <amanda.degazio@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; info@niagarahomebuilders.ca; plan@niagararegion.ca; Lindsay Earl <lindsay.earl@niagararegion.ca>; dpresley@mhbcpplan.com; David Deluce <ddeluce@npca.ca>; Dan Degazio <dan.degazio@welland.ca>; eng@wellandhydro.com

Subject: Notice of Application for Vacant Land Condominium - Fusion Homes Phase 2

Good afternoon,

Please find attached notice of the receipt of application for Plan of Vacant Land Condominium. Should you need further information, please feel free to contact me.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Planning Supervisor
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Hours: 8:30am-4:30PM
 Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.



500 Consumers Road
North York, Ontario M2J 1P8
Canada

May 5, 2020

Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
City of Welland
Planning Division
60 East Main Street
Welland, ON L3B 3X4

Dear Rachelle,

Re: Draft Plan of Vacant Land Condominium
1695525 Ontario Inc. (Fusion Homes)
South of Glenwood Parkway
City of Welland
File No.: 26CD-14-20001

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

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

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

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 Inc. at no cost.

Sincerely,

Alvie Coleman

Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE GAS INC.

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Safety. Integrity. Respect.

Rachelle Larocque

From: Scott Richardson
Sent: April 9, 2020 10:30 AM
To: Rachelle Larocque
Subject: FW: Dain City - Fusion Homes Phase 2 Condominium

Comments for Fusion Ph 2 drawing review below.



C. Scott Richardson, C.E.T.
 Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2222 **Fax:** (905)735-7184
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From: Julie VanLeur
Sent: April-06-20 1:29 PM
To: Scott Richardson <scott.richardson@welland.ca>
Subject: RE: Dain City - Fusion Homes Phase 2 Condominium

Hi Scott,

According to the drainage and storm water management memo, the existing drainage pattern is directed to this problem area behind the existing residents (5 Stanley). I offer the following comments regarding the proposed design:

- The grading at the back of lots 10-13 will be sheet flowing towards the problem area (existing low point). Can a swale be designed here to direct the drainage towards a proper outlet?
- It appears investigation is still required to confirm the existing CB has an outlet. What is the intent for this? It does not appear to be in the overall design and currently is not at a grade to drain the area if flooding occurs. If utilized, an upgrade to the size of the outlet pipe may be required.
- East side ditch/swale is designed to have a 0.1% grade only. All options should be reviewed to ensure positive drainage.
- GMBP will review the new watermain and appurtenances document (found online) and revise the notes for watermain installation accordingly.
- The functional servicing report is from 2010. The information could be outdated and further survey to assess the area could be warranted.
- Is there a geotechnical report? The challenges with the soil at Forks common may also be of concern here. Also the functional servicing report noted groundwater at 1.5m depth and the colour of soil indicates permanent

saturated conditions. This may require some additional measures during construction that should be reviewed ahead of time.

- Why was the oil/grit separator designed for 70% TSS considering the property is adjacent to a high environmental constraint area? Should this be upgraded to an enhanced standard or was this design already approved? This should be reviewed by the NPCA.

Best Regards,



Julie VanLeur

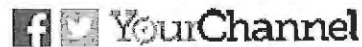
Engineering Technician - Development
Infrastructure and Development Services
Engineering Division

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2320 Fax: (905)735-7184

www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From: Scott Richardson <scott.richardson@welland.ca>
Sent: March-31-20 10:26 AM
To: Julie VanLeur <julie.vanleur@welland.ca>
Cc: Marvin Ingebrigtsen <marvin.ingebrigtsen@welland.ca>
Subject: Fw: Dain City - Fusion Homes Phase 2 Condominium

Julie,

Could you review these drawings for design. Please pay particular attention to the lot grading and drainage patterns as the local residents are complaining of localized flooding. Public Works is also following up by reviewing the area for the possibility of cleaning the culverts and ditches in the area.

I think we should get them to expand their range of topographic survey for review of the impact on local residents.

Scott

From: Rachelle Larocque
Sent: Sunday, March 29, 2020 12:09 PM
To: Scott Richardson; Marvin Ingebrigtsen
Subject: Dain City - Fusion Homes Phase 2 Condominium

Hi Scott & Marvin,

I received the Fusion Homes Phase 2 Plan of Condo before everything shut down. I've attached their SWM and servicing brief for your review. They had the Public Notice sign up (because the public meetings were supposed to be happening in early April), so we're starting to get inquiries from Councillors and the neighbours. So you have the information you need, I've attached the reports and the plan.

Let me know if you have any questions.

Take care,



City of Welland:
Home

www.welland.ca

Official site of the City of Welland. Includes information on events, meetings, facilities, transportation, and emergency services.

Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772
www.welland.ca

City of Welland: Home

www.welland.ca

Official site of the City of Welland. Includes information on events, meetings, facilities, transportation, and emergency services.



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

Rachelle Larocque

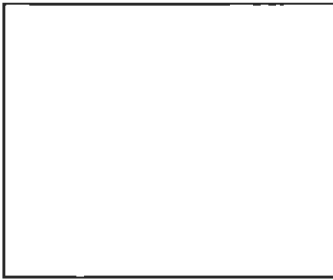
From: Julie VanLeur <julie.vanleur@welland.ca>
Sent: August 17, 2020 9:27 AM
To: Rachelle Larocque
Cc: Scott Richardson
Subject: FW: Notice of Public Meeting - Draft Plan of Vacant Land Condominium (26CD-14-20001)

Hi Rachelle,

Engineering has the following comments based on the information submitted in January 2020:

- The grading at the back of lots 10-13 will be sheet flowing towards an existing low point. A swale to direct the drainage to a proper outlet, or other measures, shall be reviewed here.
- It appears investigation is still required on the existing CB and the outlet. It does not appear to be in the proposed design, and currently it is not at a grade to drain the area if flooding occurs. A review shall be done to confirm if the existing infrastructure will be utilized, including upgrades to outlet pipe and adjustments.
- East side ditch/swale is designed to have a 0.1% grade only. Options should be reviewed to ensure positive drainage.
- All construction shall be in accordance with the City of Welland municipal standards, and the updated watermain and appurtenances standard. Drawings shall be revised accordingly.
- The functional servicing report is from 2010. The information could be outdated considering the current development in the area, and updating data would be warranted at this time.
- The functional servicing report noted groundwater at 1.5m depth and the colour of soil indicates permanent saturated conditions. This may require some additional measures during construction that should be reviewed ahead of time. The Engineering Division is requesting a copy of the geotechnical report to review additional measures that may be required for construction.
- The current 70% TSS oil/grit separator should be reviewed for a possible upgrade to an enhanced standard, considering the property is adjacent to a high environmental constraint area.
- Revised drawings and additional updated design information shall be submitted to the Engineering Division for review and approval.
- All costs associated with the development of this property shall be the developer's responsibility.
- A preconstruction survey of existing housing units shall be undertaken to protect both the City, the contractor, and the residents for insurance purposes, at the developer's expense.
- All work shall be constructed by an approved contractor. All work shall be inspected and documented by the Consulting Engineer's field representative and submitted as as-constructed information to the Engineering Division upon completion of the servicing, in both PDF and Acad formats.

Best Regards,

**Julie VanLeur**

Engineering Technician - Development
 Infrastructure and Development Services
 Engineering Division
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2320 **Fax:** (905)735-7184
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From: Rachelle Larocque <rachelle.larocque@welland.ca>

Sent: August 13, 2020 4:04 PM

To: Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; kevin_paul@cpr.ca; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Richard Dalton <richard.dalton@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Mabee, Sue <Sue.Mabee@dshn.org>; McPhee, Michelle <Michelle.McPhee@dshn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; plan@niagararegion.ca; dpresley@mhbcpplan.com; David Deluce <ddeluce@npca.ca>; Kevin Carver <kcarver@wellandhydro.com>; Dan Degazio <dan.degazio@welland.ca>; Luna Shrourou <LShrourou@smartcentres.com>

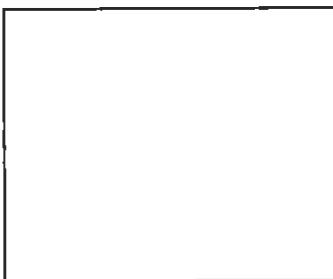
Cc: Charlotte Balluch <cballuch@fusionhomes.com>; Larry Kotseff <lkotseff@fusionhomes.com>; Grant Munday <grant.munday@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; clerk <clerk@welland.ca>

Subject: Notice of Public Meeting - Draft Plan of Vacant Land Condominium (26CD-14-20001)

Good afternoon,

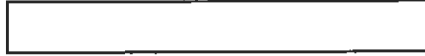
Attached is the Notice of Public Meeting for Draft Plan of Vacant Land Condominium for Fusion Homes. Notice of the application was circulate in April, 2020. If you provided comments previously, there is no need to re-send them.

Sincerely,

**Rachelle Larocque, BES, M.Sc., MCIP, RPP**

Planning Supervisor
 Planning Division
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772

www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.on.ca

July 23, 2020

Via Email Only

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Our File: PLPDV202000368

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Application for Draft Plan of Condominium (Vacant Land)
Fusion 2
City of Welland
Agent: Polocorp Inc.
File No.: 26CD-14-20001**

The NPCA has received an application for a Draft Plan of Condominium for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS) addendum, prepared by Colville Consulting, dated February 3, 2020. The purpose of the application is to establish a vacant land condominium consisting of 13 units for single detached homes. We have reviewed the application and offer the following comments.

NPCA Policies

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, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands abut a watercourse and the Seaway Wetland Complex, which is a locally significant wetland (LSW). The LSW buffer impacts the subject lands.

The subject lands are part of a larger Draft Approved Plan of Subdivision and constitute Block 8 of that development. This subdivision was draft approved in November 2014 and was anticipated to be developed for residential purposes. Since then, the NPCA's policies have changed to prohibit lot creation closer than 15 metres to a wetland (Section 8.2.3.4 of the NPCA's Policies). Note that the reduction of a wetland buffer to 15 metres is only permitted where it can be demonstrated that

there will be no negative impact to the ecological and hydrological function of the wetland. The Draft Approved Subdivision predates this policy change and as a result, there are portions of Block 8 that are within 15 metres of the LSW (Figure 4 of the EIS addendum).

NPCA staff have reviewed the EIS addendum and have no objection in principle to the 15 metre buffer for this particular development. In applying the NPCAs policies to condominium developments, which legally do not result in the creation of new “lots”, we seek to have the required wetland buffer contained within the Common Elements. This provides greater protection as control over the Common Elements is dictated by the Condominium Board rather than an individual Unit holder. The proposed Draft Plan does not have all the portions of wetland buffer within the Common Elements. NPCA staff recommend that the proposed Draft Plan be modified to incorporate all portions of the 15 metre buffer into the common elements. This would result in a minimum impact to the rear yards of Units 1 to 9 to facilitate a common element (1 – 2 metres wide) along the rear Unit boundary. The NPCA will require a 1.5 metre tall chain link fence to be installed along the boundary between Units 1-9 and the Common Element where it abuts the LSW buffer. Alternatively, if the modification to the Common Element cannot be accommodated, then the NPCA will require the same fence requirement along all portions of the 15 metre buffer.

The Applicant has provided mitigation measures to ensure no negative impacts to the LSW. We have incorporated these mitigation measures into the recommended Conditions of Draft Plan Approval noted below.

Based on the above, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

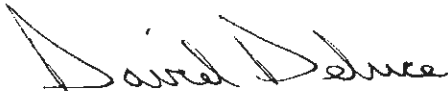
1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
2. That limit of work fencing be shown on the grading plan along all portions of the 15 metre buffer and that no grading occur beyond this point, to the NPCA’s satisfaction. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
3. That the Developer provide 1.5 metre high chain link fencing along the boundary of Units 1 to 9 and the Common Element containing the required wetland buffer, to the satisfaction of the Niagara Peninsula Conservation Authority.
4. That the Developer provide 1.5 metre high chain link fencing along the boundary of Units 1 to 9 and the 15 metre buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. **Note: this would only apply if the Draft Plan is not modified to incorporate all portions of the wetland buffer into the Common Elements**
5. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer restoration/enhancement work. In support of the Work Permit application, the following information will be required:

- a. A planting plan providing details about species, planting densities and locations.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
6. That Conditions 1 to 5 above be incorporated into the Development Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objection to the application subject to the above Conditions. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Amanda Stellings, Polocorp Inc. (email only)
Mr. Lindsay Early, MCIP, RPP, Region of Niagara (email only)
Mr. Adam Aldworth, NPCA (email only)

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
 905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 2, 2020

File No.: D.11.11.CD-20-0007

Rachelle Larocque, BES, MSc, MCIP, RPP
 Planning Supervisor
 Corporation of the City of Welland
 60 East Main Street
 Welland, ON L3B 3X4

Dear Ms. Larocque

Re: Regional and Provincial Comments
Draft Plan of Vacant Land Condominium
City File No.: 26CD-14-20001
Applicant: Lee Piccoli c/o 1695525 Ontario Inc. (Fusion Homes)
Agent: Amanda Stellings (Polocorp Inc.)
Address: South of Glenwood Parkway
City of Welland

Regional Planning and Development Services staff has reviewed the Draft Plan of Vacant Land Condominium application and supporting studies submitted, including: the Environmental Impact Study Addendum for Phase 2 (Block 8), prepared by Colville Consulting Inc., dated February 3, 2020; the Phase One Environmental Site Assessment prepared by Peritus Environmental Consultants Inc., dated July 25, 2017; the Planning Justification Report prepared by IBI Group, dated November 25, 2010, and the Technical Memo Drainage and Stormwater Management Design (dated January 24, 2020) and preliminary engineering drawings (dated January 2020) prepared by GM BluePlan Engineering.

The application proposes the development of 0.76 hectares of land for a Vacant Land Condominium for the purposes of creating 13 lots for single detached dwellings. The subject land constitutes Block 8 of the Forks Road Subdivision (City File No. 26T-14-10002). Regional staff notes that this phase of the Forks Road Subdivision has yet to be registered. A pre-consultation meeting for this proposal was held at the City on August 2, 2018, with staff from the City, Region, Niagara Peninsula Conservation Authority, and the applicant and agent. The following comments are provided to assist the City in their consideration of this application from a Regional and Provincial perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area (designated growth area) as per the Provincial Policy Statement (PPS), and the Designated Greenfield Area according to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). New development in designated growth areas shall provide for a compact form that allows for the efficient use of land, infrastructure and public service facilities that are planned or available, as well as an appropriate range of housing types and densities that meet the projected needs of current and future residents. According to the Growth Plan, new development occurring within the Designated Greenfield Area is to be planned and designed in a manner that supports the achievement of complete communities and active transportation, and encourages the integration and sustained viability of transit services. The Regional Official Plan (ROP) designates the subject lands as within the Urban Area and Designated Greenfield Area for the City of Welland. These areas are to be planned to ensure that development is sequential, orderly and contiguous with existing surrounding built-up areas.

It is noted that, at the time of the pre-consultation meeting, Regional staff requested circulation of a Planning Justification Report to address Provincial and Regional policies; the Planning Justification Report [the Report] circulated with this condominium application was prepared by IBI Group and dated November 25, 2010. The Report comments on policies from the 2005 PPS, 2006 Growth Plan, and Regional Plan Amendment No.2-2009, and was not updated in accordance with the current Provincial and Regional policies.

Greenfield Density

According to the ROP, a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas is required. Based on the provisions of the ROP, the gross density target is calculated utilizing the entire area of the subject lands. As per the submitted information, the total developable area of the lands is 0.76 hectares. The draft plan of condominium proposes a total of 13 residential units; based on information contained in the ROP, a factor of 2.40 persons per household is to be utilized in Welland for 2021. The forecast population of the development is approximately 38 people. The Region considers 5% of the residential units would generate “at-home” employment (0.65 jobs). Therefore, the 31.85 people/jobs on the 0.76 hectare Greenfield site has a density of 41.9 people and jobs per hectare on an individual subdivision basis according to Regional criteria. This density is less than the minimum combined gross density target across all Designated Greenfield Areas; however, the City is to monitor developments to ensure that the overall Greenfield density target will be achieved.

Natural Heritage

Core Natural Heritage System

The subject lands, referred to as Phase 2 (Block 8), are located adjacent to Glenwood Park at the end of Glenwood Parkway in the City of Welland. The subject lands contain or are adjacent to portions of the Region's Core Natural Heritage System (CNHS), including Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-Provincially or Locally Significant Wetland (LSW). The Environmental Impact Study (EIS) submitted in support of the development application confirms this assessment and also identifies Significant Wildlife Habitat (SWH), Species at Risk (SAR) (Butternut) and Important (Type 2) Fish Habitat adjacent to the property.

Previous Regional Environmental Planning staff comments identified the need for an EIS Addendum to update the original, outdated EIS for Phase 2. Staff have reviewed the EIS Addendum prepared by Colville Consulting Inc. dated February 2020, to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. In summary, staff are not opposed to the development in principle, however additional information is required to verify that potential impacts to the Region's CNHS can be adequately mitigated. Given the concerns described below, an updated EIS Addendum (in letter format, i.e., comments and responses and supplemental information appended) is requested to satisfy staff that the conclusions of the EIS are valid.

Regional staff provided the following Environmental Planning comments and requirements to the agent on June 15, 2020. As of the date of this letter, the required EIS Addendum has not been received by Regional staff for review and commenting.

EIS Addendum Requirements

1. Regional Official Plan (ROP) policy 7.B.1.18 states that where development or site alteration is approved in or adjacent to the CNHS, new lot lines shall not extend into either the area to be retained in a natural state as part of the CNHS or the buffer zone identified through an EIS. Figure 4 shows nine lots having lot lines through the wetland buffer. As such, the proposed lot line configuration should be updated to conform to Regional policy.
2. A single Butternut tree was identified adjacent to the Phase 2 lands. Given the Butternut is an endangered species and protected under the *Endangered Species Act* (ESA), Regional staff require confirmation that the Ministry of Environment, Conservation and Parks (MECP) is satisfied with the proposed 25 m setback. MECP staff typically require submission of a Butternut Health Assessment completed by a designated Butternut Health Assessor to confirm an appropriate setback. The purpose of the assessment is to determine if the Butternut is exempt from certain protections or if a permit under the ESA must be issued. Correspondence from the MECP in this regard should be included in the updated Addendum. Alternatively, the requirement for MECP correspondence can be included as a condition of development approval.
3. As per the SWH Criteria Schedule for Ecoregion 7E, Candidate Deer Winter Congregation Areas are defined by ELC community and woodland size, not by the

“amount of sign”. It is recommended that the updated Addendum re-assess this SWH type in the context of whether the Ministry of Natural Resources and Forestry (MNRF) considers it a “core” deer wintering area, its relative importance within the larger landscape, and/or stand composition and canopy coverage. The SWH Mitigation Support Tool (MNRF, 2014) and the SWH Technical Guide (OMNR, 2000) provide more detail in this regard.

4. Four rare or uncommon plant species were observed: Halberd-leaved Tear-thumb, Wild Leek, Hairy Sedge and Retrorse Sedge. The EIS Addendum notes that the Halberd-leaved Tear-thumb will not be impacted, but the locations of the other species are not mentioned in the report, nor are potential impacts or mitigation measures. This information should be discussed in the updated EIS Addendum.
5. Based on Figure 4, it appears the entirety of the subject lands is intended for use as part of the development envelope (which includes buildings, driveway/access, grading, servicing, accessory structures, and all amenity space). However, the EIS Addendum does not sufficiently address how the adjacent woodland and wetland buffer will be protected. For example, the proposed roadway and lots extend right to the property limit, but site grading and roadway construction may result in impacts outside the subject lands. The updated EIS Addendum should clearly demarcate the recommended limit of development and site alteration. A Tree Saving Plan will be required as a condition of development approval to identify how retained trees will be protected.
6. Section 7.0 recommends native trees and shrubs be planted within and adjacent to the wetland to help improve the function of the wetland and wetland buffer. The updated Addendum should elaborate on what this plan should entail, including but not limited to a compensation planting ratio and species composition. The EIS should also consider whether an Edge Management Plan would be appropriate to mitigate impacts to the adjacent Significant Woodland.
7. Section 7.0 refers to a light duty silt fence as mitigation. Staff recommend heavy duty silt fencing to adequately protect the watercourse and wetlands. Erosion and Sediment Control (ESC) installation details will be included as a condition of development approval.
8. Datasheets supporting the level of effort for field inventories should be included as an appendix in the EIS. Please include all field data sheets, including ELC data cards, in the EIS Addendum.

Housekeeping Recommendations

9. According to the locations of Eastern Wood-peewee and Wood Thrush observations on Figure 3, both FOD 7-2 and FOD9 should have been mapped on a figure as SWH. Section 5.2.2 only mentions the FOD9 community as SWH.

10. Specific Regional CNHS policies should have been discussed in the EIS in the context of the proposed development. Section 2.2 only provides a general discussion of ROP policies and why an EIS is required. A discussion should have been included which clearly shows how the proposed development conforms to applicable policies.
11. In the future, staff would appreciate an invitation to woodland staking.

Next Steps

At this time, Regional Environmental Planning staff cannot recommend conditions of approval until additional information is provided to more appropriately demonstrate that the proposal will not have negative impacts on the Region's CNHS. An updated EIS Addendum in letter format (i.e., comments and responses and supplemental information appended) is requested to address the above noted requirements. Upon receipt of the updated Addendum which addresses the concerns summarized above, staff anticipate being able to provide revised comments in support of the application.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should be consulted with respect to their comments and potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Odour Impacts

The Dain City Sewage Pumping Station (SPS) and Detention Facility is located to the southwest of the subject lands. It is possible that future dwelling owners may experience unpleasant odours from time to time as a result of proximity to the SPS. A warning clause to this effect will be included in the future conditions of draft plan approval.

Environmental Site Assessment

A Phase One Environmental Site Assessment (ESA; prepared by Peritus Environmental Consultants Inc., dated July 25, 2017) was submitted with the draft plan of condominium application. The Phase One ESA concludes that the former rail line potentially contaminating activity (PCA) that has the potential to impact the soil and/or groundwater beneath the Forks Road Subdivision site. However, the contaminants associated with railway tracks and spurs are generally immobile in soil and are not likely to leach into the groundwater. Accordingly, the contaminants associated with the former railway tracks are not likely to impact the entire Forks Road Subdivision site, and no further investigation of the PCA was deemed necessary. The author of the Phase One ESA notes that the report is sufficient to support the filing of a Record of Site Condition, and that a Phase Two ESA does not need to be completed. Based on Regional staff's review of the Ministry of the Environment, Conservation and Parks' Brownfields Registry website, it does not appear that a Record of Site Condition has been filed for the subject

lands. Accordingly, this will be addressed through future conditions of draft plan approval.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. To be eligible to receive curbside waste and recycling collection, it is required that the owner of each dwelling unit bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Waste collection for this development will be determined during the future site plan process. Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with the Regional Waste Collection Policy. The townhouse units are eligible for Regional curbside collection, however, waste collection pads are required for units 1-3 and 6-12. The "Draft Plan of Condominium", prepared by J.D. Barnes Limited (dated January 31, 2020) shows collection pads for these units at acceptable locations.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, Ministry of the Environment, Conservation and Parks (MECP) Environmental Certificates Approvals (ECA) will be required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

Stormwater Management

Regional staff has reviewed the 'Technical Memo Drainage and Stormwater Management Design (dated January 24, 2020)' and the preliminary engineering drawings (dated January 2020) prepared by GM BluePlan Engineering. Based on the review of these submitted materials, the following comments are provided:

- The Niagara Region will require stormwater runoff from the development be captured and treated to a Normal standard prior to discharge to the receiving watercourse that contains Type 2 Fish Habitat.
- The Region has no objection to the proposed installation of an oil-grit separator (OGS) Stormceptor STC300 to meet the water treatment criterion. The Memo

D.11.11.CD-20-0007
September 2, 2020

should include the necessary information with respect to the inspection and maintenance.

- The Niagara Region recommends that rip-rap or other erosion control measures be installed on the outside bend of the overland flow swale and the inlet/outlet of the new culvert.
- Prior to construction the Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.
- The Region will require the sediment and erosion control plan be depicted on a drawing.

Conclusion

Regional Planning and Development Services are unable to support the proposed Draft Plan of Vacant Land Condominium for Glenwood Parkway in the City of Welland at this time due to outstanding Environmental Planning requirements. Accordingly, Regional Conditions of Draft Plan Approval will be provided once the outstanding issues are addressed. Regional staff recommend that the Draft Plan of Vacant Land Condominium not be approved until at least such time as the Environmental Impact Study addendum is provided for review and commenting, to the Region's satisfaction.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

Rachelle Larocque

From: Ali Khan
Sent: April 12, 2020 12:54 PM
To: Rachelle Larocque
Subject: RE: Notice of Application - 180 Kingsway (Canal Trail Plan of Subdivision)

Hi Rachelle,

Developer's electrical consultant should contact me for streetlights specifications.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
 Supervisor Traffic, Parking & Bylaws
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2202 Fax: (905)735-7184
www.welland.ca
 **YourChannel**

This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

From: Rachelle Larocque
Sent: April 9, 2020 4:46 PM
To: Jack Tosta <jack.tosta@welland.ca>; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; hunter-perreaultg@csviamonde.ca; Amanda Degazio <amanda.degazio@welland.ca>; Dave Stuart <dave.stuart@welland.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; McPhee, Michelle <Michelle.McPhee@dsbn.org>; Municipal Planning <MunicipalPlanning@enbridge.com>; Brian Kennedy <brian.kennedy@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; scott.whitwell@ncdsb.com; info@niagarahomebuilders.ca; plan@niagararegion.ca; Lindsay Earl <lindsay.earl@niagararegion.ca>; dpresley@mhbcplan.com; Dan Degazio <dan.degazio@welland.ca>; eng@wellandhydro.com; Matt Richardson <matt.richardson@welland.ca>; Paula Albano <paula.albano@welland.ca>
Cc: Grant Munday <grant.munday@welland.ca>
Subject: Notice of Application - 180 Kingsway (Canal Trail Plan of Subdivision)

Good afternoon,

Please find attached the Notice of Application for a Plan of Subdivision for 180 Kingsway. Should you require additional information, please do not hesitate to contact me.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772
www.welland.ca



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
 905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 23, 2020

File No.: D.11.11.CD-20-0007

Rachelle Larocque, BES, MSc, MCIP, RPP
 Planning Supervisor
 Corporation of the City of Welland
 60 East Main Street
 Welland, ON L3B 3X4

Dear Ms. Larocque

**Re: Regional and Provincial Comments
 Draft Plan of Vacant Land Condominium
 City File No.: 26CD-14-20001
 Applicant: Lee Piccoli c/o 1695525 Ontario Inc. (Fusion Homes)
 Agent: Amanda Stellings (Polocorp Inc.)
 Address: South of Glenwood Parkway
 City of Welland**

Regional Planning and Development Services staff has reviewed the Draft Plan of Vacant Land Condominium application and supporting studies submitted, including: the Environmental Impact Study Addendum for Phase 2 (Block 8), prepared by Colville Consulting Inc., dated February 3, 2020; the Phase One Environmental Site Assessment prepared by Peritus Environmental Consultants Inc., dated July 25, 2017; the Planning Justification Report prepared by IBI Group, dated November 25, 2010, and the Technical Memo Drainage and Stormwater Management Design (dated January 24, 2020) and preliminary engineering drawings (dated January 2020) prepared by GM BluePlan Engineering.

The application proposes the development of 0.76 hectares of land for a Vacant Land Condominium for the purposes of creating 13 lots for single detached dwellings. The subject land constitutes Block 8 of the Forks Road Subdivision (City File No. 26T-14-10002). Regional staff notes that this phase of the Forks Road Subdivision has yet to be registered. A pre-consultation meeting for this proposal was held at the City on August 2, 2018, with staff from the City, Region, Niagara Peninsula Conservation Authority, and the applicant and agent. The following comments are provided to assist the City in their consideration of this application from a Regional and Provincial perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area (designated growth area) as per the Provincial Policy Statement (PPS), and the Designated Greenfield Area according to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). New development in designated growth areas shall provide for a compact form that allows for the efficient use of land, infrastructure and public service facilities that are planned or available, as well as an appropriate range of housing types and densities that meet the projected needs of current and future residents. According to the Growth Plan, new development occurring within the Designated Greenfield Area is to be planned and designed in a manner that supports the achievement of complete communities and active transportation, and encourages the integration and sustained viability of transit services. The Regional Official Plan (ROP) designates the subject lands as within the Urban Area and Designated Greenfield Area for the City of Welland. These areas are to be planned to ensure that development is sequential, orderly and contiguous with existing surrounding built-up areas.

It is noted that, at the time of the pre-consultation meeting, Regional staff requested circulation of a Planning Justification Report to address Provincial and Regional policies; the Planning Justification Report [the Report] circulated with this condominium application was prepared by IBI Group and dated November 25, 2010. The Report comments on policies from the 2005 PPS, 2006 Growth Plan, and Regional Plan Amendment No.2-2009, and was not updated in accordance with the current Provincial and Regional policies.

Greenfield Density

According to the ROP, a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas is required. Based on the provisions of the ROP, the gross density target is calculated utilizing the entire area of the subject lands. As per the submitted information, the total developable area of the lands is 0.76 hectares. The draft plan of condominium proposes a total of 13 residential units with a forecasted population of approximately 38 people; based on information contained in the ROP, a factor of 2.40 persons per household is to be utilized in Welland for 2021. The Region considers 5% of the residential units would generate "at-home" employment (0.65 jobs). Therefore, the 31.85 people/jobs on the 0.76 hectare Greenfield site has a density of 41.9 people and jobs per hectare on an individual subdivision basis according to Regional criteria. This density is less than the minimum combined gross density target across all Designated Greenfield Areas; however, the City is to monitor developments to ensure that the overall Greenfield density target will be achieved.

Natural Heritage

Core Natural Heritage System

The subject lands, referred to as Phase 2 (Block 8), are located adjacent to Glenwood Park at the end of Glenwood Parkway in the City of Welland. The subject lands contain or are adjacent to portions of the Region's Core Natural Heritage System (CNHS), including Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-Provincially or Locally Significant Wetland (LSW). The Environmental Impact Study (EIS) submitted in support of the development application confirms this assessment and also identifies Significant Wildlife Habitat (SWH), Species at Risk (SAR) and Important (Type 2) Fish Habitat adjacent to the property.

Regional Environmental Planning staff provided comments on this application in June of 2020 in response to the submission of an EIS Addendum prepared by Colville Consulting, dated February 2020. An Updated EIS Addendum has been prepared (Collville Consulting, September 10, 2020) and additional correspondence and confirmation from Colville Consulting and the City of Welland with respect to buffer plantings on City owned lands has been received.

Regional Environmental Planning staff have reviewed the originally submitted EIS (April 2012), the EIS Addendum (February 2020) and the Updated EIS Addendum (September 2020), all by Colville Consulting and are satisfied that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies, provided that the Conditions in Appendix 1 are satisfied.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should be consulted with respect to their comments and potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Odour Impacts

The Dain City Sewage Pumping Station (SPS) and Detention Facility is located to the southwest of the subject lands. It is possible that future dwelling owners may experience unpleasant odours from time to time as a result of proximity to the SPS. A warning clause to this effect has been included in Appendix 1.

Environmental Site Assessment

A Phase One Environmental Site Assessment (ESA; prepared by Peritus Environmental Consultants Inc., dated July 25, 2017) was submitted with the draft plan of condominium application. The Phase One ESA concludes the former rail line potentially contaminating activity (PCA) has the potential to impact soil and/or groundwater beneath the Forks Road Subdivision site. However, the contaminants associated with railway tracks and spurs are generally immobile in soil and are not likely to leach into the groundwater. Accordingly, the contaminants associated with the former railway tracks are not likely to impact the entire Forks Road Subdivision site, and no further investigation of the PCA was deemed necessary. The author of the Phase One ESA notes that the report is

sufficient to support the filing of a Record of Site Condition, and that a Phase Two ESA does not need to be completed. Based on Regional staff's review of the Ministry of the Environment, Conservation and Parks' Brownfields Registry website, it does not appear that a Record of Site Condition has been filed for the subject lands. Accordingly, this will be addressed through Conditions of Approval contained in Appendix 1.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. To be eligible to receive curbside waste and recycling collection, it is required that the owner of each dwelling unit bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 2 garbage container per unit, to a maximum of 24 containers.

Waste collection for this development will be determined during the future site plan process. Condominium townhouse developments are able to receive internal curbside waste collection through the Region provided the developer/owner complies with the Regional Waste Collection Policy. Please be advised that Niagara Region transferred to bi-weekly curbside collection of garbage on October 19, 2020. For more information regarding the changes to Regional waste collection services please visit the Niagara Region's website at the following link: <https://niagararegion.ca/waste/>

The townhouse units are eligible for Regional curbside collection, however, waste collection pads are required for units 1-3 and 6-12. The "Draft Plan of Condominium", prepared by J.D. Barnes Limited (dated January 31, 2020) shows collection pads for these units at acceptable locations. Conditions regarding waste collection have been included in Appendix 1.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, Ministry of the Environment, Conservation and Parks (MECP) Environmental Certificates Approvals (ECA) will be required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA's under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval, and are requested as a Condition of Draft Plan Approval in Appendix 1.

Stormwater Management

Regional staff has reviewed the 'Technical Memo Drainage and Stormwater Management Design (dated January 24, 2020)' and the preliminary engineering drawings (dated January 2020) prepared by GM BluePlan Engineering. Based on the review of these submitted materials, the below comments are provided. Any additional required materials have been included in the Conditions in Appendix 1.

- The Niagara Region will require stormwater runoff from the development be captured and treated to a Normal standard prior to discharge to the receiving watercourse that contains Type 2 Fish Habitat.
- The Region has no objection to the proposed installation of an oil-grit separator (OGS) Stormceptor STC300 to meet the water treatment criterion. The Memo should include the necessary information with respect to the inspection and maintenance.
- The Niagara Region recommends that rip-rap or other erosion control measures be installed on the outside bend of the overland flow swale and the inlet/outlet of the new culvert.
- Prior to construction the Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.
- The Region will require the sediment and erosion control plan be depicted on a drawing.

Conclusion

Regional Planning and Development Services staff has no objections to the proposed Draft Plan of Vacant Land Condominium for Glenwood Parkway in the City of Welland, subject to the satisfaction of any local requirements and provided the Conditions of Draft Plan Approval in Appendix 1 are satisfied.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

D.11.11.CD-20-0007

October 23, 2020

cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

Appendix 1

Conditions of Draft Plan Approval

1. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
2. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
3. That a Buffer Planting Plan be prepared by a full member of the Ontario Association of Landscape Architects (OALA) for Regional staff approval to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
4. That a Monitoring Plan is prepared for Regional approval which ensures the required Buffer Plantings are successful and effective over the long term
5. That a Butternut Health Assessment is completed and submitted to the Ministry of Environment Conservation and Parks (MECP) for review and that correspondence from MECP is submitted to the Region which confirms the proposed 25 metre setback from the tree is sufficient.
6. That a Grading Plan be provided to Regional Planning and Development Services for review approval in order to ensure the surface water flows are directed to the wetland area.
7. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
8. That an Erosion and Sediment Control (ESC) Plan be provided for Regional Planning and Development Services for review and approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
9. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional Planning and Development Services approval.
10. That the condominium agreement contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, Monitoring Plan, and Tree Saving Plan required in accordance with Conditions 3, 4, 5, 6, 8 and 9.

11. That the condominium agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include the following warning clause:

"Due to the proximity of the condominium lands to the Dain City Sewage Pumping Station at Detention Facility, Purchasers/Tenants are advised that periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development."

12. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.

13. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance with the Niagara Region's Corporate Waste Collection Policy.

14. That the condominium agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:

"That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the applicant for units 1-3 and 6-12. The waste collection pads shall be in accordance to the details outlined in the Niagara Region's corporate waste collection policy."

15. That the condominium agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for dwelling units 1-3 and 6-12, include the following clause:

"That in order to receive Regional Waste Collection service, owners/tenants will be required to bring their waste and recycling containers to the designated waste collection pads on the required collection day."

16. That the owner shall submit a written acknowledgement to the Niagara Region Planning and Development Services Division, stating that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.

17. That the owner shall submit a written undertaking to the Niagara Region Planning and Development Services Division, stating that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for this condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the City of Welland.
18. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program.
19. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning and Development Services Department for review and approval:
- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - Detailed erosion and sedimentation control plans;
 - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
20. That the condominium agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with Condition above.

Clearance of Conditions

Prior to granting final approval, the City of Welland 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 the Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

D.11.11.CD-20-0007
October 23, 2020

Note: The Development Services Division recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.



April 14, 2020

Grant Munday, B.A.A, MCIP, RPP
Manager of Development Approvals
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mr. Munday,

RE: Application for Draft Plan of Vacant Land Condominium (26CD-14-20001)

Welland Hydro Electric System Corp. (WHESC) does not object to the proposed applications(s).

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.

If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.

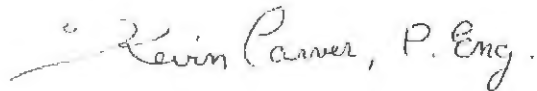
If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

WHESC reserves the right to amend or remove development conditions.

If you require further information, please contact our Engineering Department.

Sincerely,



Kevin Carver, P. Eng., ME
Director of Engineering & Operations
WELLAND HYDRO-ELECTRIC SYSTEM CORP.

Rachelle Larocque

From: edward kaczmarczyk <kaczmarczyk.edward@yahoo.com>
Sent: September 14, 2020 2:03 PM
To: Rachelle Larocque; clerk
Cc: Councillor Bonnie Fokkens; A. LABATT; Dave Borgatti; Rick Werezak
Subject: Re: Aug 27 meeting and Sep 15 hearing

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

I have not received a link for the second meeting for this week.

On Wednesday, August 26, 2020, 02:24:29 p.m. EDT, edward kaczmarczyk <kaczmarczyk.edward@yahoo.com> wrote:


Please provide a link for both of the meetings for the Glenwood Park development and I would like the questions addressed at both meetings.

Questions

- 1) Does anyone have the results of soil sampling that was done a few years back,,, I was there and right in the middle of this development they **went down over 25-28 feet before they hit clay.** Dave next door went 18 feet,, we went down 12 feet with our homes.
- 2) Are they condos,, or town houses or single detached homes and any height limitations?
- 3) If a garbage truck cannot fit down the private lane,, **how about a fire truck ??** Who will be picking up all the garbage and recycling blown across the park and our yards
- 4) What is the **storm water drainage plan???** Our ditches are already at capacity and require major cleaning and grading. **Another DC flooded basements in the making?**
- 5) Does the current pump house have the capacity for all the 4 new proposed developments,,, **again another flood in the making?**
- 6)Do they have a grade plan proposal as to not block off current natural water ways and create standing water?
- 7) Can lots 10 to 13 be shortened to match 1 to 9 to conserve the current green space that we have maintained for over 30 years?
- 8) 13 units and only 5 additional parking spaces,, will people be parking on our street. Also what happens to our current park parking lot our will they all be parking there?

Thank you in advance
 Ed Kaczmarczyk
 5 Stanley St

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

20-112

REPORT P&B-2020-67
NOVEMBER 10, 2020

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 31) AND ZONING BY-LAW AMENDMENT (2020-10) SUBMITTED BY NIAGARA PLANNING GROUP ON BEHALF OF NIAGARA HP PROPERTIES INC. FOR LANDS ON THE WEST SIDE OF CLARE AVENUE, SOUTH OF WOODLAWN ROAD, LEGALLY DESCRIBED AS PART OF LOT 246, FORMER TOWNSHIP OF THOROLD, CITY OF WELLAND, MUNICIPALLY KNOWN AS 781 CLARE AVENUE

AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP
PLANNING SUPERVISOR

APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP
MANAGER OF DEVELOPMENT APPROVALS

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information purposes Report No. P&B-2020-67 regarding applications for Official Plan Amendment (OPA No. 31) and Zoning By-law Amendment for lands on the west side of Clare Avenue, south of Woodlawn Road, legally known as Part of Lot 246, former Township of Thorold, City of Welland, municipally known as 781 Clare Avenue.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by Niagara Planning Group on behalf of Niagara HP Properties Inc. on September 21, 2020 and was deemed complete on October 5, 2020.

The purpose of the application for Official Plan Amendment is to redesignate the property from the existing Low Density Residential to Medium Density Residential with a special exception to allow for a maximum density of 94 units per hectare.

The application for Zoning By-law Amendment has been made to rezone the lands from Residential Low Density 1 – RL1 to Site Specific Residential Multiple – RM. The requested site specific amendments to the Zoning By-law are:

- To allow an interior side yard of 2 metres, whereas 3 metres is required;
- To allow a rear yard setback of 6 metres, whereas 7.5 metres is required;
- To allow an aisle for bicycle parking to be 1.2 metres whereas 1.5 metres is required;
- To allow for a minimum snow storage area of 17 square metres for a residential use with four or more parking spaces, whereas 18.46 square metres is required; and,
- To allow for a landscaped parking strip of 0.3 metres abutting a residential use for a parking lot containing more than 10 but fewer than 100 spaces, whereas 1.5 metres is required.

The requested amendments have been made to develop the site with three blocks of townhouse units with twelve units, with each unit having an accessory apartment, for a total of 24 dwelling units. The proposal includes 36 parking spaces for future residents.

COMMENTS AND ANALYSIS:

A virtual Public Information Meeting was held on October 29, 2020 to gain public input regarding the proposed applications. Seven (7) members of the public participated in the Public Information Meeting, in addition to the applicant and their agent. The following comments and concerns were raised at the Public Information meeting:

- Questions regarding compatibility of proposal with neighbouring single detached dwellings;
- Questions whether the proposed decks could be removed from the proposal, or be provided at-grade to address privacy issues;
- Consideration of removing some parking to create a smaller parking lot;
- Concerns with loss of privacy due to number of units and decks;
- Traffic concerns; and,
- Concerns with the density of the proposal.

At the time of writing this report, twelve (12) letters from members of the public have been submitted as well as a petition opposing the development with 50 signatures. The concerns raised in the letters are similar to those raised at the public meeting, in addition to:

- Concerns with too little parking;
- On-street parking concerns;
- Concerns with property values;
- Light pollution and noise;

- Concerns with garbage;
- If the developer would be interested in building 1-2 storey buildings and increasing landscaping to buffer neighbouring properties; and,
- Three letters in support of the application.

The Statutory Public Meeting under the Planning Act is being held virtually on November 10, 2020. The Public Meeting provides an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

The report is intended to provide Council with background information on the Applications. Staff will bring a Recommendation Report for Council's consideration at a future meeting.

FINANCIAL CONSIDERATION:

All costs with the development of the property will be the responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

Other City Departments have been circulated the application for review and comment. Any comments, requirements, and/or recommendations received will be incorporated into the final Recommendation Report.

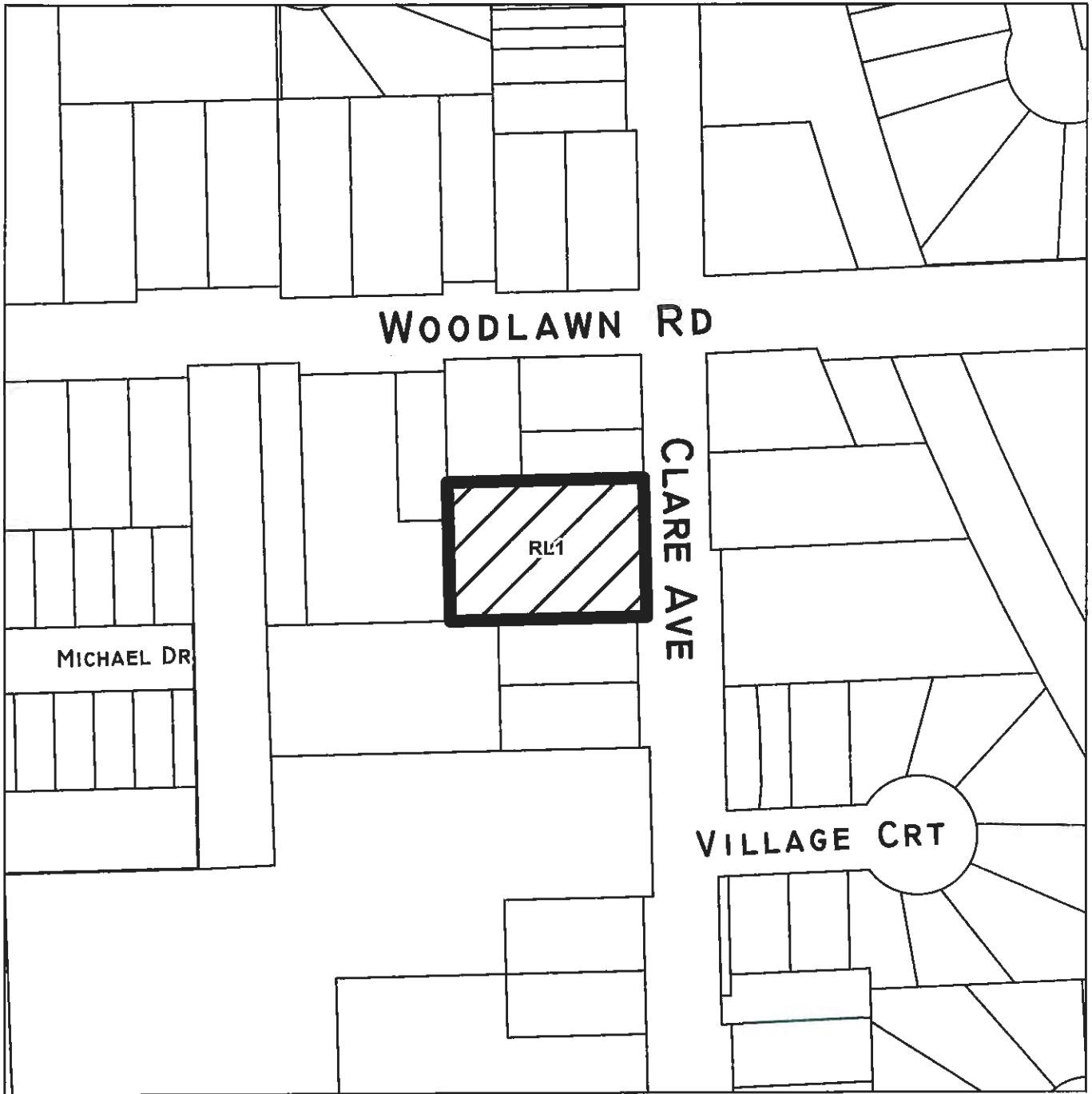
SUMMARY AND CONCLUSION:

The Planning Act requires a Statutory Public Meeting to be held to provide an opportunity for public input and discussion regarding the Applications. This report is intended to provide background information for the Public Meeting.

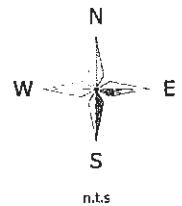
ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo of Subject Lands
- Appendix III - Draft Official Plan Amendment (Amendment text only)
- Appendix IV - Draft Site Plan

2020-10 & OPA 31



KEY MAP



SUBJECT LANDS

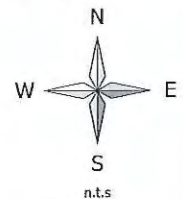


*Infrastructure and
Development Services*
Planning Division



AERIAL PHOTO OF THE SUBJECT LANDS

2020-10 & OPA 31



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

**AMENDMENT NO. 31 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment) 2
TITLE AND COMPONENTS..... 2

PART B - THE AMENDMENT 3
SCHEDULE "A" LAND USE PLAN..... Error! Bookmark not defined.

PART C - THE APPENDICES **Error! Bookmark not defined.**
APPENDIX I - AFFIDAVIT Error! Bookmark not defined.
SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT..... Error! Bookmark not defined.
APPENDIX II - NOTICE OF ADOPTION..... Error! Bookmark not defined.
APPENDIX III - MINUTES OF PUBLIC MEETING -Error! Bookmark not defined.
APPENDIX IV - STAFF REPORT Error! Bookmark not defined.
APPENDIX V - COUNCIL RESOLUTION..... Error! Bookmark not defined.

PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 31 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 31 is to redesignate the lands shown on the attached Schedule B to Medium Density Residential with a specific exception to permit a maximum lot density of 94 dwelling units per hectare. The purpose of the Amendment is to allow the property to be developed with three blocks of stacked townhouses, with a total of 24 units and associated parking.

LOCATION

The lands subject to this Amendment are located on the west side of Clare Avenue, south of Woodlawn Road and north of Village Court. The subject lands have an approximate area of 2,574 square metres.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential. A proposal has been put forth to redevelop the lands with stacked townhouses.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 31 to the Official Plan of the Corporation of the City of Welland.

The effect of this Official Plan Amendment is to change the designation of the Lands from Low Density Residential to Special Exemption Medium Density Residential on Schedule B1 of the Official Plan to allow the redevelopment of the property with stacked townhomes with a maximum density of 94 units per hectare.

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT ENG-2020-35
NOVEMBER 10, 2020

18-70
20-26

**SUBJECT: EDGAR/ELGIN SEWER SEPERATION PHASE 3 –
WELLER AVENUE SIDEWALK**

**AUTHOR: MATTHEW MAIN, A.Sc.T., E.I.T.
PROJECT MANAGER**

**APPROVING MANAGER: SHERRI-MARIE MILLAR, P.ENG.
MANAGER OF ENGINEERNIG**

**APPROVING G.M.: TRAVERS FITZPATRICK, GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT COUNCIL receives for information Report ENG-2020-35 for Edgar/Elgin Sewer Separation Phase 3 – Weller Avenue Sidewalk;
2. That no change be made to the tendered project to remove the sidewalk on the south side of Weller Avenue.

ORIGIN AND BACKGROUND:

The Edgar/Elgin area is one of the older neighbourhoods within the City with aging infrastructure in need of replacement. The City was successful in obtaining a Small Communities Fund (SCF) grant which helped advance the infrastructure renewals under this project, currently in its third and final phase.

In June 2020 and in lieu of a public information centre (PIC) due to COVID restrictions, letters were mailed to residents within the Phase 3 construction limits advising them of the pending works and providing them with staff contact should they have questions.

At the October 20, 2020 Council meeting a petition, signed by several Weller Avenue residents was submitted, requesting that sidewalk be replaced on the north side of the street and removed permanently from the south side. It is understood that the primary driver for the request was concern by the public that mature trees would be lost to accommodate the new sidewalk on the south side of the street.

Peter's Excavating Inc. is currently undertaking the Phase 3 construction with an estimated completion date of December 2021.

COMMENTS AND ANALYSIS:

Weller Avenue is geographically located in the middle of the Edgar/Elgin Sewer Separation project (Phase 3) and is adjacent to Chippawa Park. Presently, there are 1.2m wide sidewalks on both the north and south side of Weller Avenue which do not comply with current

accessibility standards. Additionally, the sidewalk on the south stops at the eastern property line of the City owned park land.

The proposed sidewalks meet accessibility standards with a width of 1.5m and have been adjusted within the road allowance to minimize potential impacts to the existing trees along the street. Importantly, the proposed sidewalk on the south side of Weller Avenue (across City property) will provide connectivity to the existing park walkway.

Limiting sidewalks to one side of the roadway along local streets serves to reduce construction, operating and replacement costs while generally providing an acceptable level of service to the public. However, where sidewalks provide important connectivity to parks, schools and other important destinations, sidewalks are encouraged on both sides of the road, as supported within the City's Official Plan, specifically the following excerpt:

6.4.2.4.H Sidewalks Serving Certain Land Uses

Sidewalks are considered essential near bus stops, schools, community facilities, and institutions, and should be provided on both sides of the streets.

To that end, staff support the replacement of both the north and south sidewalks to current standards and the missing link be added on the south side across City owed park land to establish connectivity to the existing walkway within the park.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal departments.

SUMMARY AND CONCLUSION:

The Edgar Elgin area is one of the older neighbourhoods in the City and requires significant infrastructure upgrades. Peter's Excavating Inc is currently constructing Phase 3 of the Edgar Elgin Sewer Separation Project.

As part of this work the sidewalks on Weller Avenue are proposed to be replaced on both sides of the street to meet current accessibility standards. They have also been located within the municipal right of way to minimize the potential impacts to the existing trees. Additionally, a piece of missing link sidewalk is also proposed to connect the Weller Avenue sidewalk network to the Chippawa Park walkway network.

Limiting sidewalks to one side of the roadway along local streets serves to reduce costs while generally providing an acceptable level of service to the public. However, where sidewalks provide important connectivity to parks, schools and other important destinations, sidewalks are encouraged on both sides of the road, as supported within the City's Official Plan.

On Weller Avenue staff supports the replacement of both the north and south sidewalks to current standards and the missing link be added on the south side across City owed park land to establish connectivity to the existing walkway within the park.

ATTACHMENTS:

Appendix I – Aerial and Street View Plan

AERIAL & STREET VIEW PLAN



Aerial View



Street View – Facing West