

File No.2000-086-17

Attachment No. 2

May 10, 2021

167 ST. CATHARINES STREET
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL (AMENDED)

*Amendments in **Bold**

The conditions for final approval and registration of **167 St. Catharines Street** Condominium, in the name of **2724524 Ontario Ltd.**, File No. 2000-086-17, Township of West Lincoln are:

1. **This decision applies to the 167 St. Catharines Street Plan of Vacant Land Condominium, Township of West Lincoln prepared by Metropolitan Consulting, and as attached to Report PD-56-21 as Attachment 2, containing a total of 20 units and common element area.**

TOWNSHIP CONDITIONS:

2. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
3. That the Zoning By-law Amendment receive final approval (expiry of the appeal period) prior to receiving final approval of the condominium.
4. That the Owner submit an application for Site Plan Approval for review and approval.
5. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
6. That the Owner/Developer prepare a streetscape and landscape plan for this condominium plan in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan, or a separate plan, as part of the required Site Plan Application.
7. That the condominium agreement or subsequent site plan/development agreement between the Owner/Developer and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.
8. That the proposed street(s) be constructed to the satisfaction of the Township of West Lincoln.
9. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.

10. That the Owner provides fire route signs and no parking signs in locations approved by the Township of West Lincoln.
11. That the Owner/Developer submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln as part of the site plan application for review by other relevant agencies for review and approval.
12. That all municipal services required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township.
13. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
14. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
15. That the applicant confirm to the satisfaction of the Township Public Works Department that there is sufficient servicing capacity available to the subject lands, including water and sanitary.
16. That the Owner agrees in the Site Plan Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That sidewalks be provided along one side of Lane A within the development to standard requirements of the Township of West Lincoln.
18. That prior to approval of the final plan, through the site plan application, the owner submit to the NPCA and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOECC Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any oil/grit separator sizing detail.
19. That 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, be submitted to the Conservation Authority and the Township for review and approval through site plan approval.
20. That the site plan agreement include a requirement that the owner provide a cash payment of \$5,000 to be dedicated to a new pedestrian crossing for Regional Road 20.
21. That the Owner submit an Urban Design Brief Report to show how the units fronting St. Catharines Street (Regional Road 20) will be aligned with the Township's Urban Design Manual, to the satisfaction of the Director of Planning.

REGIONAL CONDITIONS:

22. That the following warning clause shall be included in the condominium agreement between the Owner/Developer and the Township of West Lincoln and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

“Purchasers/Tenants are advised that due to the proximity of this development to industrial lands to the north, may result in impacts (e.g. noise, dust and/or odour) that may occasionally interfere with some activities of the dwelling occupants”.

23. That the condominium agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved noise mitigation measures as recommended in the Environmental Noise Impact Study prepared by dBA Acoustical Consultants Inc., dated December 2016.

24. That prior to approval of the final plan or any on-site grading, the owner submits to the Niagara Region for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the MOECC documents entitled Stormwater Management Planning and Design manual, March 2003 and Stormwater Quality Guidelines for New Development, June 1991:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.

Note: The Region will request that the Niagara Peninsula Conservation Authority Review the stormwater management and other related plans on the Region's behalf and submit comments to the Niagara Region regarding the approval of these plans and the subsequent clearance of related conditions by Regional staff. A technical review fee is applicable.

25. That the Condominium Agreement or site plan between the owner and the Township of West Lincoln contain provisions whereby the owner agrees to implement the approved stormwater management, erosion and sedimentation control measures required in accordance with Condition 24.

26. That the following warding clause should be included in the Condominium Agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and the owner's consulting archaeologist shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of

Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport and the owner's consulting archaeologist."

27. That the owner dedicates a road widening (Block 6), free and clear of any mortgages, liens or other encumbrances, to the Regional Municipality of Niagara along the frontage of Regional Road 20 (St. Catharines Street) to the satisfaction of the Niagara Region. All costs for the providing the necessary survey plan and all related documents are the responsibility of the applicant.
28. That prior to final approval for registration of this plan of condominium, the owner shall submit the design drawings [with calculations] for the sanitary systems required to service this development to the Niagara Region and obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
29. That prior to final approval for registration of this plan of condominium, the operation and maintenance of the sanitary sewer on the Regional Right-of-Way be addressed to the satisfaction of the Niagara Region.
30. That the owner promptly acknowledges that draft approval does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk/responsibility of the developer.
31. That the owner promptly provide the Niagara Region with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this condominium will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the condominium agreement between the owner and the Township.
32. That prior to final approval for registration of this plan of condominium the owner shall submit the design drawings [with calculations] for the storm drainage/stormwater management and external storm sewer systems required to service this development to ensure the existing system is adequate to accommodate the flows from this development. If the existing storm sewer is needs to be resized to accommodate this development the owner will have to obtain Ministry of Environment Compliance Approval under the Transfer of Review Program.
33. That, prior to any construction taking place within the Regional road allowance, the developer shall obtain a Regional Construction Encroachment and/or Entrance Permit from the Niagara Region Transportation Division. Any application to the Niagara Region shall include Township of West Lincoln approvals for on-street parking removal and sight-line diagram for the proposed access.
34. The condominium agreement shall include a clause that the owner agrees that in all Agreements of Purchase and Sale or Lease for all Units inclusive to service closing, shall include the following warning clause:

“Purchasers/Tenants are advised that waste pick-up for this development will be provided by the owner/corporation since the site layout of this development does not permit waste collection per Regional Niagara Policy C3.007 – Requirements for Commencement of Collection for New and Redevelopments.”

35. That the condominium agreement between the owner and the Township of West Lincoln contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
36. That the Urban Design Brief, prepared by Metropolitan Consulting Inc., be revised to address the following:
 - The Urban Design Brief should indicate and demonstrate that the proposal is guided and informed by the West Lincoln council endorsed Smithville Urban Design Manual.
 - The Urban Design Brief should include a site design concept demonstrating the application of the Smithville Urban Design Manual guidelines to the design by showing building placement and orientation, placement of driveways, placement of walkways, and intent of landscape areas, and the intent of interface with the public realm.
 - The architectural design of the 4 townhouse units known as Block 4 as these are the units that are most visible from the public realm. The design of these units will be reviewed in detail at the Site Plan stage. However, at this stage, the urban design brief should demonstrate intent by providing concepts and visuals that demonstrate the intent of the architectural design of the facades when interfacing the public realm. The addition of conceptual elevations of the 4 units facing the public realm is suggested. Equally, a demonstration of the interface between these units and the public realm – potentially – in the form of a concept site design.
 - At this early stage of design, it is suggested the development include provision for a safe and barrier free walkway connection from the public sidewalk to the units at the rear of the property.

NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

37. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings.
38. That the Developer incorporate the following mitigation measures, as outlined in the Environmental Impact Study (prepared by GeoProcess Research Associates Inc., dated March 3, 2017) into the applicable engineering/site plan drawings, to the satisfaction of the Niagara Peninsula Conservation Authority:
 - a. That all outdoor lighting is composed of lighting standards which direct all light downward and away from any natural areas.
 - b. That bird-friendly design techniques are used on all walls that face toward the woodland feature.

- c. Topsoil removed during stripping is recommended for reapplication post-construction.
- d. That the Grading Plan designate specific locations for stockpiling of soils and other materials which will be a minimum of 30 metres from the dropline of any trees to be retained.

(CONDITION REQUIRING IMPLEMENTATION OF TREE PRESERVATION PLAN REMOVED)

- 39. That Conditions 37 to 38 above be incorporated into the Site Plan Agreement between the Developer and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Site Plan Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

- 40. That the developer enters into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the developer.
- 41. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the developer.

CANADA PACIFIC (CP) RAIL CONDITIONS:

- 42. That, the following clause be inserted in all offers to purchase, agreements or purchase and sale or lease and in the title deed or lease of each unit:

“Warning: Canadian Pacific Railway Company or its assigns or successors in interest have a rights-of-way within 300m from the land the subject hereof. There may be alterations to, or expansions of, the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the including of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

UTILITY COMPANY CONDITIONS:

- 43. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of condominium which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

44. That, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST CONDITIONS:

45. The Owner shall complete to the satisfaction of the Director of Planning of the Township of West Lincoln and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - 1. That the home/business mail delivery will be from a designated Centralized Mail Box
 - 2. That the developers/owners be responsible for officially notifying the purchasers of the exact centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - 1. 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 condominium.
 - 2. Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada post to facilitate the placement of Community Mail Boxes
 - 3. 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 condominium.
 - 4. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - 5. Maps are also to be predominantly displayed in the sales office(s) showing specific Centralized Mail Facility Locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock box assembly) at their own expense (less than 100 units will require a front loading lock box assembly) will be in the affect for buildings and complexes with a common lobby, common indoor or sheltered space.

LAPSING CONDITION:

46. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** – Conditions 1 to 21 (inclusive),
- **REGIONAL PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 22 to 36
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 37 to 39
- **NIAGARA PENINSULA ENERGY INC** – Conditions 40 to 41
- **CP Rail** – Condition 41
- **Utilities** – Condition 43 & 44
- **Canada Post Condition** – Condition 45

NOTES:

1. Conveying

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

2. Land Required to be Registered Under the Land Titles Act

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

3. Water and Sewerage Systems

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

4. Agencies to be Contacted:

(a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble
Director of Planning and Building
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 5138
FAX – (905) 957-3219

(c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Phill Lambert
Associate Director, Infrastructure Planning and Engineering
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario
L2V 4T7
Telephone – (800) 263-7215
FAX – (905) 687-8056

(d) With respect to the requirements of the Regional of Niagara Planning Department contact:

Mr. Pat Busnello
Associate Director, Development Planning and Urban Design
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario
L2V 4T7
Telephone – (905) 980-6000 ext. 3379
FAX – (905) 641-5208

(e) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce, MCIP, RPP
Acting Manager, Plan Review and REgulations
250 Thorold Rd. W., 3rd Floor
Welland, Ontario
L3C 3W2
Telephone - (905) 788-3135 ext. 224

FAX - (905) 788-1121

(f) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins
Operation Manager
4548 Ontario Street, Unit 2
Beamsville, Ontario
L0R 1B5
Telephone 905-563-5550
Fax 905-563-0838

(g) With respect to the requirements of Canada Post:

Mr. David Kyle
Canada Post Corporation
Delivery Planning
955 Highbury Avenue North
London, ON N5Y 1A3

5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Condominium Agreement between the Owner and the Township to those agencies.

6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.