

THRIVE SUBDIVISION
MARZ HOMES INC.
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of the Marz Homes Inc., in the name of Thrive Subdivision, File No. 2000-090-20, Township of West Lincoln are:

1. That this approval applies to the Marz Homes (Smithville West) Inc. 'Thrive', Draft Plan of Subdivision, Township of West Lincoln prepared by IBI Group Inc., dated, 2018-11-9, revised on 2021-03-11, containing 61 Lots and 23 Blocks plus internal streets.
2. That Part 1 of Plan 30R-15792, being shown as lots 47 to 62, inclusive, and Blocks 62 & 87 on the draft plan of subdivision, be merged on title to Lot 9, Plan M-98 prior to finalizing the conditions of draft plan approval.
3. 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.
4. That the Subdivision Agreement contain a clause requiring that the road allowances shown on the draft plan (Street A & B) be dedicated to the Township of West Lincoln as Public Highways.
5. That the Subdivision Agreement contain a clause requiring that the proposed public streets (Street A & B) be constructed and named to the satisfaction of the Township of West Lincoln.
6. That the Subdivision Agreement contain a clause requiring that a 0.3 metre reserve be granted abutting the west side of South Grimsby Road 5 allowance to the Township of West Lincoln, to separate lots and blocks from the street, free and clear of any mortgages, liens and encumbrances.
7. That such easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.
8. That the Owner submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
9. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
10. That the Subdivision Agreement contain a clause requiring that the Owner provide an adequate storm drainage outlet including any necessary easements and drainage agreements to the satisfaction of the Township of West Lincoln, Region

of Niagara and the Niagara Peninsula Conservation Authority.

11. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
12. That the Owner prepare a streetscape and landscape plan for the subdivision in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on separate plans.
13. That the Subdivision Agreement contain a clause requiring that the Owner design and construct a primary off-road multiuse trail using the specifications found in the Township of West Lincoln Trails and Corridors Master Plan and satisfaction of the Public Works and Recreation Department, as amended from time to time. The Trail shall extend from South Grimsby Road 5 to the western limit of the development. The trail shall be a minimum of 3 metres in width and constructed from asphalt. At each intersection with a public street there shall be a trail head which includes amenities (e.g. park benches, trash receptacles, trees) as determined through the Subdivision Agreement and engineering review.
14. That the Subdivision Agreement contain a clause requiring dedication of Block 69, and construction of a sidewalk or multiuse trail.
15. That the Owner dedicate a 4.5 metre strip south of the rail line, but north of the proposed internal condominium street from the western extent of the development to South Grimsby Road 5, being Block 67, containing the multi-use trail and associated features as parkland as per the Township's request. If this dedication, combined with the dedication of the community park, will not satisfy the required 5%, the remainder is to be in the form of cash-in-lieu of parkland.
16. That the Owner provide a park design for Block 70, satisfactory to the Township of West Lincoln Planning Department and Public Works and Recreation Department as a part of the engineering submission, including a landscaping plan with the provision of an access onto South Grimsby Road 5 for maintenance access, playground equipment, and that the Subdivision Agreement contain a clause requiring the Owner to construct the approved park plan at the Owners cost.
17. That the Subdivision Agreement contains a clause requiring Block 70 & 71, being the parkland, be constructed within the first phase of the development, and that they park be conveyed to the Township in consideration of parkland dedication.
18. That any outstanding Township invoices, including invoicing related to peer reviews and local servicing studies, be paid in full.

19. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
20. That the Subdivision Agreement contain a clause requiring that sidewalks be provided along at least one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
21. ~~That the Subdivision Agreement contain a clause requiring that the owner provide to the Township the proportional cost based on frontage to upgrade South Grimsby Road 5 between the CP Rail Corridor south to Regional Road 20 be upgraded and constructed to a local urban cross section, west of the centreline, including sidewalk, to the satisfaction of the Director of Public Works, and that the appropriate road encroachment permits be applied for and approved.~~
The Owner dedicates to the Township a road widening of half of the deficiency for collector road along the subject property frontage for South Grimsby Road 5.
22. That the Traffic Impact Study be updated and submitted for review to incorporate the findings of both the **Smithville West - Dunloe** Draft Plan of Subdivision and the P Budd Developments Inc. Draft Plan of Subdivision to identify any additional transportation related upgrades and to implement the required upgrades in the Subdivision Agreement.
23. That the Subdivision Agreement contains a clause limiting the number of units that can be constructed to **88 units (Phase 1)**, until such time that a second permanent access be constructed, according to the Northwest Quadrant Secondary Plan, providing permanent access east to South Grimsby Road 5 (extension of Street A or Street B) or west to connect with the traffic circle along Regional Road 20 prior to any additional units beyond the 88 units be constructed.
24. That the Subdivision Agreement contains a clause stating that building permits shall not be issued for Lots 34 & 35, Lots 45 & 46, & Lots 1, 2 & 3 until such time that the roadways are extended and the temporary cul-de-sacs are removed to the satisfaction of the Township of West Lincoln.
25. That the Subdivision Agreement contains a clause requiring a temporary emergency access to South Grimsby Road 5 for phase 1, as shown on the Draft Plan of Subdivision and Site Plan, undated, prepared by IBI Group and found attached to Report PD-96-2021, until such time that a secondary permanent access is fully constructed and approved by the Township of West Lincoln.
26. That prior to final approval, it is to be determined if the existing capacity of the sewer lines and servicing to the site is adequate for this development by the Regional Public Works Department and the Township Public Works Department. If existing capacity is not sufficient, the owner is required to provide the necessary upgrades to provide adequate sewer services to the development. Best efforts clauses will be included if the upgrades benefit additional developments.

27. That the Subdivision Agreement contain a clause that no Building Permits will be issued until any required upgrades to the water and/or storm systems has been completed. If upgrades provide benefits to other developments in the Northwest Quadrant Secondary Plan Area, a best efforts clause will be included in the Subdivision agreement.
28. That the Owner agrees to include a clause in the Subdivision Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or the issuance of building permits.
29. That the design drawings for the water, sanitary sewer and stormwater drainage system, including any proposed downstream sewer improvements, required to service this development be submitted to the Regional Public Works Department and Township of Public Works Department for review and approval.
30. That the Owner provide to the Township an Engineering review submission that shows the water and sewer servicing in alignment with the recommendations of the Hydraulic Water and Sewer study prepared by AECOM.
31. That prior to final approval and registration of this plan or prior to servicing (through a pre-servicing agreement), the Owner obtain Ministry of the Environment Environmental Compliance Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, sanitary sewers and stormwater management) for this development. Note: Any modifications to the stormwater management facility should be submitted directly to the Ministry of the Environment for approval and the issuance of an Environmental Compliance Approval.
32. That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and the Township of West Lincoln Public Works Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003 and "Stormwater Quality Guidelines for New Development", May 1991:
 - a. Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - b. Detailed sediment and erosion control plans which show how exposed soils, sediments and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirement for all employed devices.

Note: The Region may request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent clearance of related conditions.

33. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions where by the Owner agrees to implement the approved stormwater management plan required in accordance with the above Conditions.
34. That the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.
35. That the Owner submits a revised Noise Study which includes potential impacts and mitigation measures for the proposed car wash facility at 6633 Regional Road 20 and that any mitigation measures be included in the Subdivision Agreement.
36. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating infrastructure recommended in the report completed titled *Environmental Noise and Vibration Impact Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020, be completed prior to occupancy of the affected units.
37. That a full Urban Design Report be submitted and approved by the Township for approval identifying how this development meets the objectives of the Township Urban Design Manual and how it creates good public form and an attractive pedestrian streetscape. It is expected that a higher standard of design be achieved on units which are highly visible from public streets. Units with side or rear yards facing a public or private street should be designed to be attractive from the street, including, but not limited to wrap around porches.
38. That the Subdivision Agreement contains a clause requiring any noise attenuation infrastructure or fencing north of the rail trail, being Block 69, remain in private ownership tied to adjacent future condominium blocks.

Regional Conditions

39. That the Owner submit at least a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) for the lands in the area of Street B, Blocks 47 to 62, inclusive, and Block 85, to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receive an acknowledgement letter from MHSTCI (copied to Niagara Region) confirming that all archaeological resource concerns have met

licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.

<https://www.niagararegion.ca/projects/archaeological-management-plan/default.aspx>

41. That the *Environmental Noise and Vibration Impact Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020) be updated to reflect the current draft plan proposal and assess the adjacent commercial block/permitted uses to the satisfaction of Niagara Region.
42. That the Subdivision Agreement contain provisions whereby the owner agrees to implement the recommendations of the approved *Environmental Noise and Vibration Study* (prepared by dBA Acoustical Consultants Inc., dated April 2020, to be revised in accordance with the above condition).
43. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
44. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the Township.
45. That prior to final approval for registration of this plan of subdivision, 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.

46. That the Owner enters into a legal agreement with the Niagara Region to implement and pay for all upgrades required to the Regional Streamside Sewage Pumping Station in order to accommodate the sewage flows from the proposed development. All upgrades required to the Regional sewage pumping station will need to comply with Regional Design standards and Region staff will need to be engaged in the design works prior to submitting applications to the Ministry of the Environment, Conservation and Parks (MECP) for the required Environmental Compliance Approvals.
47. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment 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 for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans;
 - c) 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; and
 - d) That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
48. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
49. That the Owner submit a revised Transportation Impact Study (TIS) to the satisfaction of Niagara Region.
50. That prior to any construction taking place within the Regional Road 20 road allowance, the owner shall obtain the required Regional Construction Encroachment and Entrance Permit from Niagara Region's Transportation Services Division, Public Works Department.

51. That the Owner dedicate a 2.26 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 20 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
52. That the Owner dedicate a 6 metre by 6 metre daylight triangle to be conveyed behind the required road widening at the corner of Regional Road 20 and South Grimsby Road 5 prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the Owner.
53. That the Owner ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
54. That the Owner shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement prior to Regional curbside waste collection services commencing.
55. That the Subdivision Agreement between the Owner and the municipality 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.

Notes:

- Prior to granting final plan approval, the Township must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Township of West Lincoln.

NPEI Conditions

56. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara Peninsula Energy facilities servicing this draft plan of subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.
57. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.

Telecommunications Conditions

58. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
59. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.

Canada Post Conditions

60. That the following clause shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

“The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and 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.”

61. That the Owner 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 an 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; and
 - e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
62. That the Owner agrees to 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 and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

CPKP Rail Conditions

63. That the following warning clauses shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:
- “Purchasers/tenants are advised that sound levels, due to the increasing rail traffic on the nearby CP Railway, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and Ministry of the Environment's noise criteria. Purchasers/Tenants are also advised that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.”
- “Purchasers/tenants are advised that any berm, fence or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.”
64. 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** for Conditions 1 – 38 inclusive
- **The REGIONAL NIAGARA PUBLIC WORKS & DEVELOPMENT DEPARTMENT** for Conditions 39 to 55
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** for Conditions 32 to 34.
- **NIAGARA PENINSULA ENERGY** for Conditions 56-57
- **BELL CANADA of other applicable telecommunications company** for Conditions 58-59
- **CANADA POST** for Conditions 60-62
- **CPKP Rail** for Conditions 63-64

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) 957-5138
Email – btreble@westlincoln.ca

- (b) With respect to the requirements of the Township's Public Works Department contact:

Ms. Jennifer Bernard
Public Works Engineering Coordinator
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 6732
Email – jbernard@westlincoln.ca

- (c) With respect to the requirements of the Region of Niagara contact:
Development Approvals
devtplanningapplications@niagararegion.ca

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

Mr. David Deluce
3350 Merrittville Highway
Unit 9
Thorold, Ontario
L2V 4Y6
Telephone – (905) 788-3135
Email – ddeluce@npca.ca

(e) With respect to the requirements of Bell Canada contact:

Ms. Janice Young
Manager, Right of Way
Floor 3 – 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Telephone – (416) 296-6291

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 Subdivision 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.