

## SCHEDULE B – PD-48-2024

### CROSSINGS ON THE TWENTY NORTH CONDOMINIUM

**DEHAAN HOMES INC.**  
**TOWNSHIP OF WEST LINCOLN**  
**REVISED CONDITIONS OF FINAL APPROVAL**

The conditions for final approval and registration of Crossings on the Twenty North Condominium, in the name of DeHaan Homes Inc. ~~West Niagara Enterprises Inc.~~, File No. 2100-072-08, Township of West Lincoln are:

1. This decision applies to the DeHaan Homes Inc. ~~West Niagara Enterprises Inc.~~ Draft Plan of Standard Condominium, on the lands legally described as LOT 20, PART OF LOTS 56 & 57, REGISTERED PLAN M-88, Township of West Lincoln prepared by Ashenhurst Nouwens Limited, dated April 25, 2008, and Site Plan prepared by IBI Group, dated May 17, 2023 containing 10 units and common element area.
2. That not more than two standard condominium corporations be created (one for the north development and one for the south development).

### TOWNSHIP CONDITIONS:

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 northerly portion of this proposed development be zoned with a Holding Zone which is to remain in effect until the reconstruction of Regional Road 20 (St. Catharine Street) and site access issues have been resolved to the satisfaction of the Niagara Region Public Works Department and the Township of West Lincoln Planning Department.~~ That the proposed development be zoned RM-3 with exception to the satisfaction of the Township of West Lincoln Planning Department.
5. That the Owner submit an application for ~~Site Plan~~ Development Agreement for review and approval.
6. That the Owner prepare a streetscape and landscape plan for this condominium 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.
7. 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.
8. That a 1.5 metre landscaping strip be provided along the length of the internal roadway on the north and south development such strip and be forever maintained by the Condominium Corporation.

9. That the Owner provide solid fencing along the east lot line the length of the proposed internal road on the north and south side of the development. That fencing be provided along the westerly lot line of Units 1-10.
10. That the proposed streets be constructed to the satisfaction of the Township of West Lincoln.
11. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.
12. 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.
13. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
14. 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.
15. That the Owner 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.
16. That the Owner agrees in the Condominium Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That the Owner undertake appropriate studies and implement the identified measures to mitigate noise, dust and vibration so as to protect the adjacent dwelling at 200 St. Catharine Street, to the satisfaction of the Township, which may include the cost of a peer review.
18. That a sidewalk be provided along one side of the internal street.
19. That the Owner agrees to include a clause in the Condominium Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of condominium or the issuance of building permits.

REGION OF NIAGARA CONDITIONS:

20. That, if curb-side waste collection is to be provided by the Region the draft plan shall conform to Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" to the satisfaction of the Regional Public Works Department. That the

condominium/development agreement between the Township of West Lincoln and the developer include the following clauses:

- a) To be eligible for the provision of collection service by way of entry on private properties, the private roadways must be designed to meet the requirements of the Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" (i.e. providing through passage, minimum roadway width, throat width/curb radius, etc.) so that collection vehicles can access collection locations without the need to reverse. A cul-de-sac designed in accordance with the Region's specifications will be required for developments that do not permit through passage. The Region will consider the use of a "T" turnaround area(s), designed in accordance with the minimum dimensions as outlined in the Regional policy, as an alternative turn around method where the above requirements cannot be met. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services.
- b) That detailed drawings showing the path the waste collection vehicle will travel through the site to collect waste be submitted to the Regional Public Works Department for review and approval.
- c) That the developer and/or subsequent owner agree to comply with the Region of Niagara's "Collection of Waste by Way of Entry on Private Property" Policy (C3.C17) and to enter into an Indemnity Agreement with the Region.
- d) That if waste collection is not to be provided by the Region, the condominium agreement/development agreement contain a clause stating that waste collection will be the responsibility of the condominium corporation and the following warning shall be included in the condominium/development agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit to survive closing:

*"Purchasers/Tenants are advised that due to the site layout, waste collection for the development will be provided by the condominium corporation through a private contractor and not the Region."*

21. That the following warning clause shall be included in the condominium agreement or subsequent site plan/development agreement 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 a Regional Sewage Pumping Station facility located approximately 98 metres from the development property, the operation of this facility which at times may generate noise and odour may occasionally interfere with some activities of the dwelling occupants."*

22. That any required road allowances are dedicated to the Region of Niagara as Public Highways.
23. That the Condominium Agreement or ~~subsequent site plan~~ Development Agreement between the Owner 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.
24. That the Owner submit to the satisfaction of the Niagara Region Public Works Department (Development Services Division) detailed information as to how the existing concrete retaining wall for the embankment adjacent to Regional Road 20 will be removed while still providing stabilization to the remaining embankment, the length of wall to be removed and how the integrity of the remaining wall will be structurally secured, and sight line lengths for both pedestrians on the adjoining walkway and vehicles accessing the Regional roadway from this development.
25. That the Owner obtain Regional Entrance and Regional Construction Encroachment Permits prior to any construction taking place within the Regional road allowance. Applications must be made through the Transportation Services Division's Permit Section of the Niagara Region Public Works Department. Access to Regional Road 20 (St. Catharine Street) must align with the proposed street access for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) to the north to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
26. That prior to final approval for registration, the Regional road improvements required to be undertaken through a cost-sharing agreement as a condition of draft plan approval for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) on the north side of Regional Road 20 (St. Catharine Street), consisting of the reconstruction of Regional Road 20 and the municipal services therein, be completed to the satisfaction of the Niagara Region Public Works Department (Development Services Division) and that, if required, the Owner enter into an agreement with the Region for the cost-sharing of the necessary roadway improvements.
27. That the Owner promptly acknowledge (within sixty days of draft plan approval) to the Niagara Region Public Works Department (Development Services Division) that draft approval of this condominium 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 and responsibility of the Owner.
28. That immediately following (and within sixty days of) notice of draft plan approval, the Owner shall provide the Niagara Region Public Works Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to and after registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this

condominium will be assigned until the plan is granted final approval for registration and until capacity is upgraded at the Baker Road Wastewater Treatment Plant (anticipated by December 31, 2010) and, that the purchaser will proceed at their sole risk and responsibility as the issuance of building permits may cease without prior notice due to capacity limitations at the Region's treatment facility. A similar clause shall be inserted in the Condominium Agreement or ~~subsequent site plan~~ Development Agreement between the Owner and the Township of West Lincoln.

#### MINISTRY OF ENVIRONMENT CONDITIONS:

29. That the Owner obtain the approval of the Ministry of the Environment (Toronto office) for the proposed storm sewer outlet to Twenty Mile Creek for the storm sewer outlet for this development south of Regional Road 20 (St. Catharine Street) as well as for any stormwater management scheme.
30. That a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04 under the *Environmental Protection Act* and that copies of the Phase 1 and Phase 2 Environmental Site Assessment (ESA) reports prepared by a qualified person in accordance with Ontario Regulations 153/04, site remediation and confirmatory sampling reports, if necessary, and the Ministry's written acknowledgement of the filing of the RSC be provided to the Niagara Region Public Works Department (Development Services Division) and the Township of West Lincoln.

#### NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

31. Mitigation measures provided in the LCA Environmental letter of May 21, 2009 and the Scoped Environmental Impact Report (February 2009) shall be incorporated into the plan.
32. That a Tree Saving Plan prepared and endorsed by a suitably qualified forester or arborist, which shall attempt to retain as many trees as possible and be prepared in accordance with the Regional Tree and Forest Conservation By-law 47-2006, be submitted to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Township of West Lincoln and the Niagara Region Public Works Department (Development Services Division) for information, and that the recommendations of the approved Tree Saving Plan be implemented through provisions in the condominium agreement or subsequent site plan/development agreement between the Owner and the Township of West Lincoln.
33. That, the following conditions be included in the Condominium Agreement to the satisfaction of the NPCA:  
*"That detailed sedimentation and erosion control plans be prepared for this agency's review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of the construction until all disturbed services have been stabilized. Muddy water shall not be allowed to leave the site."*

*Appropriate limit of disturbance fencing shall be installed to the satisfaction of the NPCA which details the amount of Significant Woodlot to be removed and ensure that all construction and site alteration takes place outside of the Significant Woodlot and the 30m buffers for the PSW and Critical Fish Habitat.*

*Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the NPCA.”*

#### NIAGARA PENINSULA ENERGY INC. CONDITIONS:

34. That the Owner enter 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 Owner.
35. 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 Owner.

#### CANADA POST CONDITION:

36. That Canada Post approve the location of the community mailbox.

#### UTILITY COMPANY CONDITION:

37. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of subdivision 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.

#### GENERAL CONDITION:

38. That if final approval is not given to this plan within **TWO 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:

- **TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT** – Conditions 1 to 11 (inclusive), 14 to 19 (inclusive).
- **TOWNSHIP OF WEST LINCOLN PUBLIC WORKS DEPARTMENT** – Conditions 6 to 10 (inclusive), 13 and 15 to 18 (inclusive).
- **REGIONAL NIAGARA PUBLIC WORKS DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 20 to 28 (inclusive).
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 31 to 33 (inclusive).
- **NIAGARA PENINSULA ENERGY INC** – Conditions 34 and 35.
- **MINISTRY OF ENVIRONMENT** – Conditions 29 and 30.
- **CANADA POST** – Condition 36.
- **UTILITY COMPANY** – Condition 37.

**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; and
- (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:

Director of Planning and Building  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0

- (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](mailto:jbernard@westlincoln.ca)

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