

## Susan Smyth

---

**From:** Taran Lennard <tlennard@npca.ca>  
**Sent:** January 9, 2025 10:04 AM  
**To:** Susan Smyth  
**Subject:** NPCA Response: Regional Rd 20, Smithville: File No.: 1601-009-24 & 2000-94-24

Hi Susan,

The NPCA has reviewed the provided documents for this application submission. At a high level, the NPCA is supportive. There is one item of clarity that we are looking for prior to providing draft plan conditions, simply to ensure that that zone boundaries / development envelope is appropriately identified.

The NPCA has reviewed the Functional Servicing Report (dated Sept 17, 2024) and Karst Assessment (dated Sept 19, 2024) both as prepared by EXP, and associated Engineering Drawing Set, also as prepared by EXP. The NPCA is supportive of the 50-metre buffer around the sinkhole / karst feature. The NPCA would request that the karst buffer be identified on the plans as well. We believe this may be incorporated within the ecological buffer, but would appreciate confirmation. Please also ensure to have all the provided plans and drawings (ie: Grading and Servicing Plans) also identify buffer setback distances from NPCA Regulated Features.

Upon confirmation of the above, specifically the Karst feature, the NPCA will be in a position to provide Draft Plan Conditions for the applicant and your Council Report.

Thank you.



**Taran Lennard**  
Watershed Planner II

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

905.788.3135 ext. 277  
[www.npca.ca](http://www.npca.ca)  
[tlennard@npca.ca](mailto:tlennard@npca.ca)

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

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

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

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

## Susan Smyth

---

**From:** Macdonald, Carling <Carling.Macdonald@niagararegion.ca>  
**Sent:** January 14, 2025 3:58 PM  
**To:** Susan Smyth  
**Subject:** South Grimsby 6 Road, Con 9, Pt Lt 11, R Plan 30R9485 - Preliminary Regional Comments  
**Attachments:** Highway 20 & South Grimsby Road 6 - Preliminary Regional Comments.pdf; Road Widening Requirement- Vacant Parcel Highway 20 (1).pdf

Hello Susan,

Please find attached the Region's preliminary comments for the applications relating to the lands on South Grimsby 6 Road, Concession 9, Part Lot 11, Reference Plan 30R9485 (File Nos. 2000-94-24, 1601-009-24). A road widening sketch is also attached for referenced.

As noted therein, Regional staff are unable to recommend deeming the applications complete at this time due to outstanding concerns pertaining to the environmental studies completed to date.

If you have any questions let me know.

Kind regards,  
Carling



**Carling MacDonald**  
Development Planner  
Public Works Growth Management  
and Planning Division

Niagara Region, 1815 Sir Isaac Brock Way,  
Thorold, ON, L2V 4T7, PO Box 1042

**P:** (905) 980-6000 ext. 3387

**W:** [www.niagararegion.ca](http://www.niagararegion.ca)

**E:** [Carling.Macdonald@niagararegion.ca](mailto:Carling.Macdonald@niagararegion.ca)



The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.



ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING  
VACANT PARCEL HIGHWAY 20 AT SOUTH GRIMSBY ROAD 6  
TOWNSHIP OF WEST LINCOLN

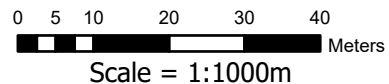
- DENOTES TERANET MAPPING
- DENOTES PROPOSED WIDENING

**DISCLAIMER**

This map was compiled from various sources and is current as of 2022.  
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,  
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.  
© 2022 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2020)

**CAUTION:**

- This is not a Plan of Survey
- The proposed widened limits have been compiled from office records and the shown measurements are approximate.
- The final extent of the widening will be established through field survey by an Ontario Land Surveyor.





## Public Works Growth Management & Planning Division

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

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

---

### Via Email Only

January 14, 2025

File Number: PLSD202401744, PLZBA202401747

Susan Smyth

Senior Planner, Township of West Lincoln

318 Canborough St., P.O. Box 400

Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Regional and Provincial Comments**

**Application Type(s): Zoning By-law Amendment and Draft Plan of Subdivision**

**Township File Number(s): 2000-94-24, 1601-009-24**

**Applicant: Elite Smithville Developments Inc.**

**Location: South Grimsby 6 Road, Concession 9, Part Lot 11, Reference Plan 30R9485 (Roll No. 260203001232400), Township of West Lincoln**

---

Regional Public Works Growth Management and Planning Division staff have reviewed the preliminary submission of the Zoning By-Law Amendment and Draft Plan of Subdivision applications for the lands legally described as South Grimsby Concession 9, Part lot 11, Reference Plan 30R9485 (Roll No. 260203001232400) in the Township of West Lincoln ("subject lands"). The purpose of this letter is to confirm whether the materials submitted are sufficient to deem the applications complete.

The applicant is proposing to rezone the subject lands from *Agricultural (A)* and *Development (D)* to *Open Space (OS)*, *Environmental Protection (EP)*, *Development (D)* and *Residential Medium Density 3 (RM3-XXX)* with site-specific provisions to facilitate the development of nine blocks of townhouses consisting of 41 units and two six-storey apartment buildings consisting of approximately 176 units. A total of 217 total residential use are proposed. The proposed draft plan also includes future development, parkland, environmental protection, and road widening blocks.

A virtual pre-consultation meeting attended by the Applicant and Township and Regional staff was held on December 7, 2023 for the proposed development. At the meeting, staff noted that the Smithville Master Community Plan (OPA 63) is currently under appeal. Since the pre-consultation meeting OPA 63 was approved (with the

exception of a portion of lands that remain under appeal).

**As noted below, Regional staff are unable to recommend deeming the applications complete at this time due to outstanding concerns pertaining to the environmental studies completed to date.**

## **Provincial and Regional Policies**

The subject lands are identified within a designated growth area as defined under the *Provincial Planning Statement, 2024* (PPS) and designated as 'Designated Greenfield Area' by the *Niagara Official Plan, 2022* (NOP). Additionally, the property is subject to the Township of West Lincoln Secondary Plan for the Northwest Quadrant, which guides development for this area over the next 20 years.

Policy 2.3.1.2 of the PPS states that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources; optimize existing and planning infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and are freight supportive. Further PPS Policy 2.3.1.5 encourages that planning authorities establish density targets for designated growth areas based on local conditions.

Under the NOP, Designated Greenfield Areas under are areas within settlement areas that have been designated for development, are required to accommodate forecasted growth to the horizon of the NOP, and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built- up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service. The NOP requires that Designated Greenfield Areas achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. In addition, local official plans are required to achieve the minimum greenfield density target across the entire municipality and are encouraged to exceed this minimum.

Regional staff have reviewed the *Planning Justification Report* (PJR) prepared by Weston Consulting (dated October 2024). Based on the information provided in the PJR, the proposed development results in an additional 217 residential units, which provides a density of 39.36 units per hectare in the Medium Density Area and 200 units per hectare in the Special Policy Area (as designated in the Secondary Plan for the Northwest Quadrant). Although a density calculation is not provided in the PJR, based on the information provided, staff are satisfied that the proposed development exceeds the greenfield density target.

While no new jobs are generated through this development, staff acknowledge that it will contribute to achieving the greenfield area density target and will contribute to the diversification of housing supply (townhouse and apartment units) in the Smithville



Urban Area. Overall, staff are of the opinion that the proposal does not conflict with Provincial and Regional policies

### **Minimum Distance Separation Formulae**

Staff note that the subject lands are within close proximity to a farm located at 6817 Highway 20. The PPS and Regional policies require that new development comply with the Minimum Distance Separation (MDS) formulae developed by the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), which is applied in order to separate uses to reduce incompatibility concerns about odour from livestock facilities. Regional staff note that municipalities are responsible for ensuring that MDS setbacks are met when reviewing land use planning applications or building permits. Therefore, Council should look for confirmation from Township staff that the proposed lot creation/change of land use meets the MDS setbacks.

### **Archaeological Potential**

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

In accordance with Policy 6.4.2.6 of the NOP, Regional staff requested a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to support the application. The PJR notes that a Stage 1 and 2 Archaeological Assessment has been prepared for the southern portion of the lands and that the assessment for the northern portion is underway. Staff request that any archaeological assessment reports be submitted to the Region, as well as a Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism.

Please note: before any archaeological work can proceed, the extent of environmental features must be reviewed and approved by Regional staff. This review ensures that archaeological activities do not adversely affect the environment and helps to mitigate any potential harm to ecosystems or cultural resources.

Regional staff request that a standard archaeological advisory clause be included in the future subdivision agreement (included in the attached Appendix).

For more information, the Niagara Region Archaeological Management Plan can be found at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

## Noise Impacts

The proposed development is subject to noise and vibration impacts from the Canadian Pacific Railway Grimsby Subdivision Principal Rail Line running along the northeast (rear) boundary of the property, as well as traffic-related noise from Regional Road 20. The PPS and NOP state major facilities (including transportation corridors as well as industrial uses) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants.

Regional staff have reviewed the *Preliminary Noise and Vibration Study* prepared by dBA Acoustical Consultants Inc. (dated September 2024). The following noise control measures are recommended (buildings/block numbers below based on 'Context Plan' prepared by Arsenault Architect inc., July 31, 2024):

### All Units:

- Specific window, wall and door construction
- CP Rail Warning Clause for all units
- Letter from the window supplier to ensure windows meet applicable STC values

### Buildings A & B (Block 1 of draft plan):

- Central air conditioning

### Blocks 6 and 7 (Block 2 of draft plan):

- Provisions for central air conditioning (installation by occupant)
- Warning Clause 'A'
- Brick veneer or masonry equivalent from foundation to rafters

Acknowledging that the submitted study is "preliminary", staff request that a Detailed Noise and Vibration Study be completed at the Site Plan stage when final building plans are available. Additionally, as recommended in the study, staff request that the owner agrees to have all final architectural drawings stamped by an acoustical engineer to ensure that the noise control measures have been incorporated and NPC-300 indoor sound level criteria has been addressed/satisfied.

Regional staff recommend that the Township look to the Railway Operator for confirmation of any other applicable mitigation measures as deemed necessary (i.e., safety setbacks, berming, etc.), noting that the study does not address vibration impacts.

## Natural Environment System

The subject lands are located within the Master Community Plan area associated with the Smithville Expansion lands. One of the applicable studies prepared in support of the Master Community Plan is the Smithville Subwatershed Study (SWS), which identifies a natural heritage system for the entirety of the study area. The SWS identifies a

watercourse, headwater drainage features and a linkage within the subject lands. A Potential Restoration Area and Karst feature with associated 50 metre buffer are also identified in the SWS. Consistent with NOP policies, an Environmental Impact Study (EIS) was required to confirm the extent of all natural heritage features and areas, implement mandatory buffer requirements, and screen the property for supporting features and areas, enhancement areas, and the location and size of the wildlife linkage.

Environmental Planning staff have reviewed the Scoped EIS prepared by Palmer (dated August 30, 2024). The EIS indicates that the only natural heritage feature present on the subject lands is limited to a watercourse that traverses through the centre of a deciduous forest. The EIS concludes that the deciduous forest does not meet Regional criteria to be designated a Significant Woodland or Other Woodland. Based on the characterization of the watercourse, a 15 metre buffer is recommended.

The Region has identified several concerns in review of the Scoped EIS and requires an EIS Addendum to confirm that conclusions of the EIS are valid. Details are provided below.

Detailed Scoped EIS Comments:

1. A fulsome analysis related to the location and width of wildlife corridors/linkages shall be included in the EIS Addendum. The subject property was evaluated through the Smithville Subwatershed Study (SWS) and a wildlife linkage was identified traversing the northern portion of the property adjacent to the watercourse. As such, staff request that additional information related to the form and function of the linkage as well as an evaluation of potential impacts (direct and indirect) to the linkage, including corresponding mitigation measures, be elaborated on in the EIS Addendum.
2. The EIS does not assess 'supporting area and features' or 'enhancement areas', as required by NOP policies. Please include specific sections related to both in an EIS Addendum.
3. A Potential Restoration Area is identified in the SWS in proximity to the subject property. As such, restoration opportunities should be assessed in an EIS Addendum. Justification for why restoration should be undertaken or not is required.
4. The EIS states that the deciduous forest located on the property does not meet NOP 'Significant Woodland' criteria. However, staff are unable to support this conclusion until additional information is provided related to presence/absence of Significant Wildlife Habitat (SWH). The EIS indicates that there are numerous snag trees located within the deciduous woodland, but acoustic monitoring does not appear to have been completed to confirm presence/absence of SWH Bat Maternity Colonies or Species at Risk (SAR). The presence of either SWH or habitat of threatened/endangered species will ultimately determine the significance of the woodland. An EIS Addendum should assess Significant Woodland evaluation criteria located within the Definitions and Criteria section of



the NOP. Candidate SWH should be assumed present unless information is provided confirming that bats are not using the snag trees.

5. The EIS states that the deciduous forest does not meet NOP 'Other Woodland' criteria. However, the EIS notes that the average width of the woodland very nearly meets the minimum average width of 40 m required to be designated 'Other Woodland'. Staff request that the EIS Addendum detail how the woodland was measured (e.g., was aerial imagery used? Was the dripline of the forest staked and surveyed?) to reach the conclusion that 'Other Woodland' criteria is not achieved. Typically, Regional staff confirm woodland boundaries on-site, especially when there is discrepancy related to the width of woodlands, which still may be required depending on the information provided in the EIS Addendum.

**At this time, Environmental Planning staff cannot recommend conditions of approval as additional information is requested to confirm that the proposal will not have negative impacts to the Region's NES.** An EIS Addendum (with changes clearly identified to facilitate review) is requested to address the concerns summarized above. Upon receipt of the updated report, we anticipate being able to provide revised comments in support of the application and conditions of approval.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to requirements under the NPCA Regulations.

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

## Regional Road

### Road Allowance

The subject lands have frontage along Regional Road 20. This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the NOP.

Staff advise that the proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout. The land needed to accommodate the roundabout will be required to be transferred to Niagara Region.

To ensure future accesses are from the proposed local road (Street B), a 0.3 metre (1 ft) reserve will be required along Regional Road 20 on Blocks 1 and 4. Therefore, the

applicant is required to gratuitously grant the following daylight/widening/reserve to the Region:

- An irregular road widening along the frontage of Regional Road 20 in order to achieve 17.5 metres from the legal centreline of the Regional road allowance (see attached sketch).
- The required land to accommodate the roundabout leg required to access the site.
- 1 ft / 0.3 metre reserve alongside the frontage of Regional Road 20 along the area of Block 1 and 4.

The requested widening and daylighting triangles are to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

The daylight triangles are to be clearly shown on all plans in future submissions.

Should the applicant have any questions, please direct them to contact the individuals listed below:

1. For inquiries specific to the transfer of property to the Region, please contact:

**Jordan Hadler, Law Clerk**

Telephone: 905-980-6000, Extension 3271

E-mail: jordan.hadler @niagararegion.ca

2. For inquiries specific to the reference plan, please contact:

**Normans Taurins, Manager, Surveys & Property Information**

Telephone: 905-980-6000, Extension 3325

E-mail: normans.taurins@niagararegion.ca

#### Regional Road, Entrance and Permit Requirements

Future engineering drawings are to provide details of the construction of the last leg of the roundabout for access to the site. The construction of this leg of the roundabout will need to be to Regional standards.

#### Regional Entrance / Construction Permits

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

## Region Sign Permits

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Ontario Street will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

## **Legal Agreement**

The construction of the last leg of the roundabout will be at the developer's costs and responsibility to construct the works as part of the subdivision. Staff will require that the owner enter a legal agreement and post letters of credit for the work related to the road work to the Region.

## **Protection of Survey Evidence**

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any future agreements entered into for this development include a clause that requires 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 said development.

## **Servicing**

Regional staff note that servicing is under the jurisdiction of the Township. The Region will have to confirm capacity in the Regional system prior to the municipality signing off on the CLI ECA forms if required.

### Regional Sewage Pumping Station

The *Functional Servicing Report* (FSR) prepared by Exp (dated September 17, 2024) did not provide any analysis of the Regional System. The report noted that the total anticipated flow from the site was 4.8 L/sec connecting through the draft approved subdivision to the east.

This site falls within the Streamside Sewage Pumping Station (SPS) and ultimately the Smithville SPS. The sewersheds in West Lincoln sewershed experiences significant Inflow/Infiltration (I/I) and the stations have limited capacity. The current Smithville SPS has an operational capacity of 104 L/s and the current 2021 Master Servicing Plan (MSP) has indicated that an upgrade to the station will be required to accommodate all anticipated growth in the SPS sewershed. The Streamside SPS is in the process of being upgraded to accommodate the currently approved draft plans in the area. This upgrade will be required to accommodate this development and the neighbouring subdivision.

An I/I reduction program should be on-going to restore design capacity and potentially

gain additional capacity in the system during rainfall events in order to allow for development in the Smithville SPS.

In addition, the preliminary plans for storm sewers and watermain are showing servicing in the new roundabout. Regional staff would prefer that disturbance to the roundabouts pavement structure and traffic be eliminated. Future engineering submissions are to review and where possible require trenchless technology to install the proposed watermain connection and alternative outlet for the storm sewer.

## **Stormwater Management**

Based on the review of the *Stormwater Management (SWM) Report* prepared by Exp (dated September 17, 2024), staff offer the following comments on behalf of the Region and Township:

- a. The SWM plan proposes stormwater from future developments in Blocks 3 and 5, and major flow from Street 'B' of Phase 1 development outlet to creek to the Karst area. The SWM Report indicates that the total area and peak flow to the karst will not exceed the existing condition; however, whether the annual storm runoff volume will affect the karst or not is not discussed. The Report or other documents must confirm that the total water volume from the designated areas will not negatively affect the karst.
- b. The Report proposes peak flow detention prior to the two outlets to Highway 20 storm sewers. The flow control target is acceptable, with respect to the total flow to Twenty Mile Creek and sewer capacity.

With respect to the preliminary grading and servicing plans prepared by Exp, staff offer the following comments/questions:

- a. How are the major flow from Street B (catchment 203) to be directed from 192.0 metres to 192.35 metres to the creek?
- b. Alternatives are encouraged to replace the proposed storm cistern with pump
- c. Plans are required to ensure catchbasins and grades to capture the 100-year flow to storage facilities; and water quality treatment train approach is encouraged to meet an Enhanced standard treatment.

## **Waste Collection**

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

### Waste Collection – Low Density

- No Limit green containers; and,
- 2 Garbage Containers to a maximum of 2 containers (Biweekly)

- Curbside Collection Only

Future engineering plans will be reviewed for vehicle movements, if there are phasing plans or multiple condominium groups please identify these through the engineering submission. At that time more detailed comments will be provided. In general Block 2 will require a turnaround at the end or will need to provide collection pads that can meet the current waste collection policy.

#### Waste Collection – High Density

- No Limit green containers; and,
- 2 Garbage Containers to a maximum of 24 containers (Biweekly)
- Curbside Collection Only

Detailed waste collection comments will be provided at the Site Plan stage.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>.

## **Urban Design**

Regional Urban Design Staff have reviewed the landscape plan prepared by Marton Smith Landscape Architects (dated January September 6, 2024) along with other related drawings. Staff request that the proposed sidewalk is offset from the Regional Road curb by 1.5 metres to provide for winter storage of snow and not impede pedestrians using the sidewalk. The Township should work with the applicant to offset the existing sidewalk in an equivalent manner so as to have a consistent treatment that supports walking considering that there is a school across the road.

On the landscape plan, please identify the species for those street trees proposed along Highway 20.

## **Conclusion**

In order to support deeming the applications complete, Regional Public Works Growth Management and Planning staff require the submission of an EIS Addendum and Stage 1-2 Archaeological Assessment (at minimum). Preliminary conditions of draft plan approval are provided in the attached Appendix for information purposes only. Staff note, however, that environmental conditions cannot be provided at this time, and updated conditions of approval will be provided following satisfactory review of a revised submission.

As noted above, staff advise that the proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout.

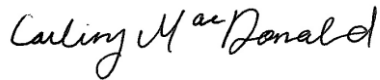
PLSD202401744, PLZBA202401747

January 14, 2025

---

Please send copies of the staff report and notice of the Township's decision on these applications. If you have any questions related to the above comments, please contact me at [carling.macdonald@niagararegion.ca](mailto:carling.macdonald@niagararegion.ca).

Kind regards,



Carling MacDonald  
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Josh Wilson, P.Eng., Manager of Development Engineering, Niagara Region  
Adam Boudens, MSc, Senior Environmental Planner  
Maggie Ding, P.Eng., Stormwater Management Engineer, Niagara Region  
Khaldoon Ahmad, Manager of Urban Design, Niagara Region  
Philippe Biba, Development Approvals Technician, Niagara Region



## Appendix 1

### **Preliminary Regional Conditions of Draft Plan Approval South Grimsby Concession 9, Part Lot 11, Reference Plan 30R9485 (Roll No. 260203001232400), Township of West Lincoln**

1. That the applicant/owner submit a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist, plus any subsequent recommended archaeological assessment reports, and associated acceptance letter from the Ministry of Citizenship and Multiculturalism (MCM) 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.

2. That the subdivision agreement include the following clause:

*"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police 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 (available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."*

3. The Detailed Noise Study prepared by an acoustical engineer be submitted at the site plan stage when final building plans are available. The site plan agreement shall include a clause requiring the owner to implement the recommendations of the Detailed Noise Study.
4. That the owner agrees to have all final architectural drawings stamped by an acoustical engineer to ensure that the noise control measures recommended in the Detailed Noise Study (required by Condition 3) have been incorporated and NPC-300 indoor sound level criteria has been addressed/satisfied.
5. That the owner dedicates to the Regional Municipality of Niagara, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to the following:
  - i. Irregular widening along the frontage of Regional Road 20;
  - ii. Land required to accommodate the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6; and
  - iii. 0.3 metre (1ft) reserve along the frontage of Block 1 and Block 4.

6. That detailed engineering drawings for the last leg of the roundabout are submitted to Niagara Region for review and approval.
7. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Niagara Region Public Works Department (Permits Section, Transportation Services Division). Road cuts required as part of the development into a recently reconstructed Regional Road 20 must be "as good as" or "better than" condition, at the completion of the works and all costs associated with curb cuts and road replacement will be at the owner's expense.
8. That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.<sup>4</sup> That the owner enters a legal agreement with Niagara Region, to pay for the required road works associated with the addition of the last leg of the roundabout at Regional Road 20 and South Grimsby Road 6 to the satisfaction of the Niagara Region.
9. That the owner provides a written acknowledgement to Niagara Region Public Works Growth Management and Planning Division 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.
10. That the owner provides a written undertaking to Niagara Region Public Works Growth Management and Planning Division 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.
11. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for any new municipal sanitary and storm sewers, and stormwater management facilities required to service this development. The capacity in the Regional system is to be confirmed and copies of the approved CLI ECA forms and final drawings must be forwarded to Niagara Region.
12. That the owner provide revised engineering drawings to address the comments provided in the proposed servicing within the newly constructed roundabout for review and approval by Regional staff.

13. That the agreement between the owner and the Township contain a condition that the owner agrees to comply with the requirements of Niagara Region's Corporate Waste Collection Policy and enters into an Indemnity Agreement with Niagara Region for the purpose of entering the subject property to provide waste collection services.
14. That the owner/developer 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.
15. That the agreement between the owner and the Township 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.

### **Clearance of Conditions**

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

### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Condominium/Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.



**DISTRICT SCHOOL BOARD OF NIAGARA**

191 CARLTON ST. ▪ ST. CATHARINES, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ [DSBN.ORG](http://DSBN.ORG)

December 10, 2024

Susan Smyth  
Senior Planner  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Smyth:

Re: **Preliminary Submission for Zoning By-law Amendment and Draft Plan Approval  
Elite Development Inc.  
File No. 1601-009-24 and File 2000-94-24**

Thank you for circulating the District School Board of Niagara (DSBN) the above noted application for Draft Plan of Subdivision and Zoning By-law Amendment. The subject lands are located on the east side of Highway 20 in the Township of West Lincoln and is located within the Settlement Area of Smithville. We understand the proposed development consists of a mix of 41 condominium townhouse dwellings and two 6-storey apartment buildings that will consist of 176 residential units. A total of 217 residential units are proposed within the Development Concept. The Zoning By-law Amendment will re-zone the lands accordingly to facilitate the development.

DSBN Planning staff has completed its review and has no objections to the application. Board staff request that, as a condition of approval, sidewalks be constructed within the development to facilitate student travel to the school/bus stop locations. Currently students from this area attend Smithville PS (JK – Gr.8) and West Niagara Secondary School (Gr. 9-12).

If you have any questions, please feel free to contact Michelle McPhee, Planning Services at 905-641-2929 Ext 54228.

Sincerely,

A handwritten signature in blue ink that reads 'Stacy Veld'.

Stacy Veld  
Associate Director of Education, Corporate Services

---

# Memo

**To:** Susan Smyth, Senior Planner  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** January 15, 2025  
**Re:** Elite Developments ZBA & DPS Submission

---

Public Works has completed a review of the Zoning By-law Amendment and Draft Plan of Subdivision Applications for Elite Developments for the property located on the north side of West St (RR20) at South Grimsby Rd 6 (designated as Part Lot 4 on 30R-9485, Concession 9), prepared by Weston Consulting.

A pre-consultation meeting was held on December 7, 2023 and comments were provided related to transportation, sanitary and water servicing, and stormwater management. Staff confirm that comments have been addressed and are satisfied that the requested materials have been submitted to deem the application complete. The following are provided as preliminary comments. Conditions of Approval will be provided with the formal submission review.

## **Draft Plan of Subdivision**

Staff confirm that the proposed local road into the development has the required Township right-of-way of 20m. The design of the connection to the roundabout is to be approved by the Niagara Region.

## **Pedestrian Movement Plan**

This plan can be further refined at the detailed design stage as the sidewalk will need to be located on the north side of the proposed east/west local road to connect with the sidewalk in the neighbouring Thrive Subdivision by Marz Homes.

## **Landscaping Plan**

This plan can be further refined at the detailed design stage to review the planting areas and tree types that are proposed on the future Township right-of-way.

## **Noise and Vibration Study**

A Preliminary Noise and Vibration Study (prepared by dBA Acoustical Consultants Inc. dated September 2024) was complete to determine the noise and vibration impacts to this development from the CP railway and traffic on Regional Road 20. The report notes that the outdoor living areas of the 3-Storey Townhouses require mitigation to reduce outdoor noise levels however the recommendation is to provide a warning clause

registered on title. Staff note that the report is authored by the same acoustical consultant that identified noise barriers are required for outdoor living spaces in the neighbouring Thrive Subdivision at a similar distance and orientation to those in this development and would like clarification on this item. This item can be addressed at the detailed design stage.

### **Stormwater Management Plan**

The proposal to connect to the existing storm sewer system on West St and direct flows to the existing culvert under West St requires approval of the Niagara Region.

The stormwater management plan proposes that Superpipe #1 will be owned by the Township however the Township's Subwatershed Study notes the Township will only approve Superpipe in private developments. Superpipe #1 is shown to be located in Block 4 which is private and identified as Future Development in the Draft Plan of Subdivision, staff would like clarification on the proposal.

### **Functional Servicing Report**

The FSR indicates the water servicing will be provided by connections to the existing 250mm watermain on West St and the proposed 200mm watermain in the Thrive Subdivision. The report indicates there is sufficient system capacity to service the development considering domestic demand and fire flows. It should be noted that the Thrive Subdivision requires construction of to the Regional trunk 400mm watermain on South Grimsby Rd 5 to proceed, so timing is dependent on that watermain project for connection. The Niagara Region can provide details on the commencement of that project.

Sanitary servicing will be provided by connection to the proposed 200mm sanitary sewer in the Thrive Subdivision which ultimately flows to the Niagara Region's Streamside Pumping Station on the south side of Regional Road 20. The sanitary design sheets for the Thrive Subdivision indicate the sanitary sewers have been sized appropriately to receive flows from this development. Sanitary capacity and allocation within the Township's network cannot be guaranteed until final registration of a development. The Niagara Region will need to confirm capacity at the Streamside Pumping Station as it was determined that improvements are required to service the Northwest Quadrant as well as capacity at the Smithville Pumping Station.

The FSR states the entire site is to be serviced by municipal watermain, sanitary sewer, catch basins and storm sewers. The Township will only assume the services within the right-of-way of the local road. All servicing with Block 1 and Block 2 will be privately owned and maintained.

The proposed design of the servicing within the development blocks will be reviewed in further detail at the detailed design stage, staff will want to understand the water and sewer stubs shown within the private blocks.