



# The Municipal Corporation of the Town of Fort Erie

By-law No.52-2017

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**Being A By-law To Enact an Amendment to the Official Plan  
Adopted by By-law No. 150-06 for the Town of Fort Erie  
Planning Area**

**Amendment No. 35  
Fort Erie Hills Subdivision  
87 Crooks Street and 0 Thompson Road  
Town of Fort Erie**

350302-0101

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The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O 1990 enacts as follows:

1. **That** amendment No. 35 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 8<sup>th</sup> day of May, 2017.**

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Mayor

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Clerk

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 52-2017 of the said Town. Given under my hand and the seal of the said Corporation, this\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**AMENDMENT NO. 35**

**TO THE**

**OFFICIAL PLAN**

**FOR THE**

**CORPORATION OF THE TOWN OF FORT ERIE**

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## **PART "A" - THE PREAMBLE**

### **SECTION 1**

#### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The *Planning Act*, 1990, shall be known as Amendment No. 35 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 35 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto to "Policy Area 35 Fort Erie Hills" with the following designations: "Urban Residential" permitting apartments, townhouses, semi-detached dwellings and single detached dwellings, at a minimum density of 50 units/hectare and a maximum density of 85 units/hectare and to permit stormwater management facilities and a pumping station; "Environmental Protection" to protect the environment and to permit pedestrian paths; "Core Mixed Use" permitting 50% of the ground floor area to be used for a variety of neighbourhood commercial uses and to permit 50% residential uses on the ground floor; and "Open Space" to permit recreational uses.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located on the north side of Phipps Street, east of Thompson Road as shown on Schedule "A" attached hereto.

### **SECTION 4**

#### **BASIS OF THIS AMENDMENT**

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III)

have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

**a) The need for the proposed use:**

This amendment will permit single detached dwellings, semi-detached, townhouse dwellings, apartment dwellings and mixed commercial and residential uses at a minimum density of 50 units/hectare and a maximum density of 85 units/hectare. The proposed amendment to permit a complete community will make better use of existing land in the urban area. Unfortunately the golf industry has been struggling to attract the younger age groups for long-term sustainability. The proposed development will infuse new development into an area which has a stagnant population base since the 1950's.

The Environmental Protection designation will protect the Provincially Significant Wetland and buffer area from development in accordance with the Environmental Impact Study prepared by Dillon Consulting.

**b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:**

Land uses in this area of the Bridgeburg Neighbourhood are predominantly single and semi-detached dwellings. The proposed development limits the number of single and semi-detached dwellings and focuses more on creating a mix of uses in this existing neighbourhood. The majority of units will be made up of townhouse units and apartment units which will provide the community with some diversified housing stock which is desirable from a Provincial, Regional and Town Planning perspective.

**c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:**

Frenchman's Creek transverses the subject lands in a north/south direction. The subject site contains an east and west half. The east half slopes to the west to the creek and the west half slopes to the north/east. The majority of the site is suitable for residential and commercial development.

An Environmental Impact Study was completed as part of the planning application process. The Environmental Impact Study identified low constraint areas which have minimal or no natural heritage features and development and site alteration is generally permitted; moderate constraint areas suitable for development; moderate constraint areas which are protected from development; and high constraint areas which are to be protected. The recommended mitigation measures are to be incorporated as conditions of Draft Plan Approval. The Niagara Peninsula Conservation Authority have confirmed that there will be no impact to Natural Heritage Features provided the recommendations and mitigation measures identified in the Environmental Impact Study are implemented.

**d) The location of the area under consideration with respect to:**

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject site is located on Thompson Road, Crook Street and Bowen Road allowance which are municipal roads or road allowances. The subject site also fronts onto Phipps Street which is a Regional road. Access to the residential dwelling units will be via a number of new local streets which connect to the existing or future transportation network. The new municipal roads will be constructed to a full urban cross section that meets Town of Fort Erie standards. A traffic study was conducted by the applicant and it was determined that the existing road system has sufficient capacity to accommodate the proposed development. The traffic study recommends that sidewalks should be installed on one side of the roadways in and adjacent to the subdivision. Sidewalks will be required along all Town owned roadways.

The subject site has access to full municipal services. The site is to be serviced by gravity sewers, sewage pumping station and a sanitary forcemain. Sanitary sewage will be conveyed to the gravity sewers to the proposed pumping station. The flows will then be pumped and conveyed by forcemain to the gravity sewer system on Crooks, to Bowen Road, to Niagara Boulevard and then to the Anger Avenue treatment plant. The development will be serviced via a connection to the existing watermain located on Phillips and Crooks Street adjacent to the site. The site will be serviced by stormmains which will outlet to the proposed stormwater management ponds. Only one pond is preferred by staff and this appears to be feasible with low impact development concepts that have been considered by the engineering consultants. The low impact development concept will be considered further in the final subdivision and site planning designs.

The Development Coordinator did not identified any servicing issues through their review of this proposal. The pumping station will be responsibility of the Regional Municipality of Niagara.

**e) The compatibility of the proposed use with uses in adjoining areas:**

The subject site is adjacent to an existing residential neighbourhood. The proposed redesignation will result in a diversified land use mix that will assist in providing age in place options and a walkable community.

The subject lands are located in close proximity to industrially designated and zoned lands. The Ministry's D6 guidelines are used to minimize the encroachment of sensitive land uses upon industrial lands uses and vice versa. The subject site is currently being used for public recreational use (golf course). The golf course is a sensitive land use under the D6 guidelines. The change in designation from Open Space for recreational purposes to an Urban Residential or Core Mixed use area does not change the sensitive nature of these lands.

Regardless, an examination of the D6 guidelines has been conducted by Mainline Planning and it has determined that the proposed residential uses will not have an impact on the adjacent industrial lands.

Planning staff have also reviewed the D6 guidelines in conjunction with the development plan and are of the opinion that the minimum separation distance of 20 metres will be met for any future Class 1 facilities and that Class 2 facilities where permitted will also meet this minimum separation requirement. Class 3 facilities would not be permitted on adjacent lands given the close proximity of existing sensitive land uses. The area of influence setback for Class 1 facilities from specific blocks within the proposed development is addressed by the zone setbacks of the blocks. More specifically any industrial development on the west side of Thompson has a front yard setback requirement of 15m, the road allowance is 20 m and the proposed Blocks 41 and 112 will have a site specific setback for residential uses of 35 m. This would therefore ensure that the 70m area of influence is met.

**f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:**

There is no evidence to suggest that the redesignation of the subject property to permit singles detached dwellings, semi-detached dwellings, townhouse dwellings, apartment dwelling and commercial uses will depreciate adjoining properties. Planning staff are of the opinion that the proposed development will have a positive impact on the surrounding neighbourhood.

**g) The potential effect of the proposed use on the financial position of the Municipality:**

The proposed redesignation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with additional tax base.

**h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.**

None.

## **SECTION 5**

### **IMPLEMENTATION AND INTERPRETATION**

The policies detailed in Part B and any relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.



## **PART "B" - THE AMENDMENT**

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 35 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

The subject lands described as Policy Area 35 Fort Erie Hills on the attached Schedule A are hereby redesignated to:

### **4.15.24 Policy Area 35- Fort Erie Hills**

#### **CORE MIXED –USE POLICIES**

- (a) The lands designated as "Core Mixed-Use" on Schedule "A" shall be reserved for a variety of local neighbourhood commercial uses, as well as residential uses.
- (b) Commercial uses shall be limited to 50% of the ground floor area.
- (c) Residential uses will be permitted on the ground floor up to 50% and residential uses will only be permitted on all floors above the ground floor in order to provide additional housing opportunities in the Bridgeburg neighbourhood.
- (d) Building height will be detailed in the Town's Zoning By-law 129-90.

#### **ENVIRONMENTAL PROTECTION POLICIES**

- a) All of the policies of Section 8 shall apply to natural heritage resources within the Policy Area Fort Erie Hills.
- b) Notwithstanding the policies in Section 8 these lands may also be used for pedestrian paths.

#### **URBAN RESIDENTIAL POLICIES**

- (a) The lands designated on Schedule "A" as "Urban Residential" shall be reserved for single detached, semi-detached, duplexes, townhouses and apartment dwellings, and their accessory uses, and shall generally be governed by the Residential policies of Section 4.7. 4.1.
- (b) A minimum density of 50 units per hectare and a maximum density of 85 units per hectare shall be expected in Fort Erie Hills.
- (c) This designation shall also permit stormwater management facilities and any necessary pumping stations.

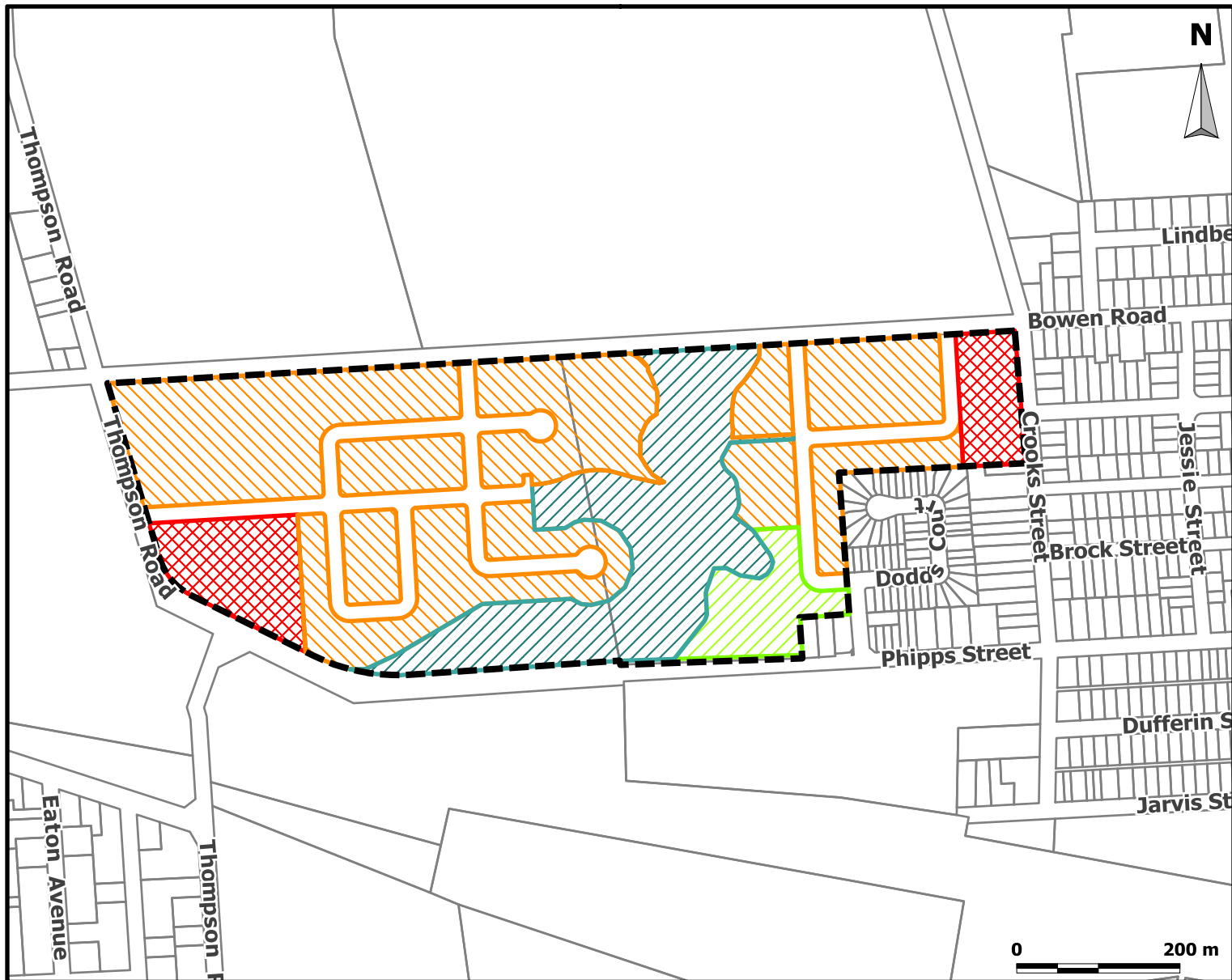
#### **OPEN SPACE POLICIES**

- a) The lands designated as "Open Space" on Schedule "A" shall be reserved for a variety of active and passive recreational and open space uses.

## **PART “C” - THE APPENDICES**






- Appendix 1            -        Notice of Public Meeting
- Appendix 2            -        Public Meeting Minutes
- Appendix 3            -        Circulation comments

# SCHEDULE "A"



**By-law No. 52-2017**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 8th DAY OF MAY, 2017**

- |  |   |   |                       |
|--|---|---|-----------------------|
|  | Subject Lands - Fort Erie Hills Subdivision |  | Urban Residential     |
|  | Core Mixed Use                              |  | Open Space (Parkland) |
|  | Environmental Protection                    |   |                       |

PLAN 24 LOT 84 LOT 8 BLK R NP525 CON 2 NR PT LOT 8 IN THE TOWN OF FORT ERIE, REGIONAL MUNICIPALITY OF NIAGARA

Planning & Development Services  
Map created May 3, 2017



### 87 Crooks Street and O Thompson Road (Rio Vista Golf Course Site)

(Application # 350309-0416-350308-0120)

**DATE:** MONDAY, DECEMBER 5, 2016  
**TIME:** 6:00 PM  
**LOCATION:** MUNICIPAL TOWN HALL, COUNCIL CHAMBERS






A map of the Fort Erie Hills Subdivision. A large, irregularly shaped area is shaded in grey and outlined with a thick black border. This shaded area is located between Thompson Road to the west and Crooks Street to the east. To the north of the shaded area is a large white area labeled "Subject Lands Fort Erie Hills Subdivision" with a black arrow pointing to the northern boundary of the shaded region. To the east of the shaded area is a residential street grid including Lindbergh Drive, Bowen Road, Highland Avenue, Phipps Street, Dufferin Street, and Jarvis Street. To the south of the shaded area is another residential area with Bowen Road and Thompson Road. A north arrow is located in the top right corner.



- The subdivision application proposes the development of a 34.17 ha site (Rio Vista Golf Course) to permit 53 single detached dwellings, 46 semi-detached dwellings, 206 street townhouses, 464 medium density residential units, parkland, pedestrian paths and SWM blocks.
- The subject lands are currently zoned Open Space, Environmental Protection, Environmental Conservation and Hazard.
- To amend the Official Plan designation for the areas identified as developable through the Environmental Impact Study to Low Density Residential, Medium to High Density Residential and Core Mixed Use.
- To rezone the lands identified as developable to a Residential 2A (R2A) Zone, Residential 3 R3 Zone and Residential Multiple RM1 Zone, Residential Multiple RM2 Zone to permit single detached dwellings, semi-detached

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|  |  |
|--|--|
|  | <p> dwellings, townhouses, apartments and mixed use buildings with local commercial type uses.</p> <ul style="list-style-type: none"><li>• To rezone those areas identified in the Environmental Impact Study as significant to Environmental Protection EP Zone.</li></ul>  |
|   | <p><b><u>GETTING MORE INFORMATION</u></b></p> <p>Input on the proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>November 30 , 2016</b>.</p> <p>The information report will be available in the Council agenda portion of the Town’s Web Site: <a href="http://www.town.forterie.on.ca">www.town.forterie.on.ca</a> or from the Community and Development Services Department.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p>Kira Dolch, MCIP, RPP, CNU-A, Manager of Development Approvals<br/>Community and Development Services Department,<br/>Town Hall, 1 Municipal Centre Drive,<br/>Fort Erie, Ontario L2A 2S6<br/>905-871-1600, ext. 2502<br/>Or by e-mailing your comments to: <a href="mailto:kdolch@town.forterie.on.ca">kdolch@town.forterie.on.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the Draft Plan of Subdivision, Official Plan Amendment or Zoning By-law Amendment, please send a letter c/o Laura Bubanko, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:lbubanko@town.forterie.on.ca">lbubanko@town.forterie.on.ca</a></p> |
| <br> | <p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Plan of Subdivision, Official Plan amendment or Zoning By-law amendment before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.</p> <p>If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Plan of Subdivision, Official Plan amendment or Zoning By-law amendment before the By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.</p> <p>If you wish to be notified of the decision of the Town of Fort Erie in respect of the proposed plan of subdivision and zoning by-law amendment, you must make a written request Laura Bubanko, Manager, Legislative Services/Clerk, and such request should include the name and address to which such notice should be sent.</p>   |

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- (d) Draft Plan of Subdivision, Official Plan Amendment and Property Rezoning

Re: Fort Erie Hills - 87 Crooks Street and 0 Thompson Road (Rio Vista Golf Course Site). The applicant is proposing to develop a 34.17 ha site to permit single detached dwellings, semi-detached dwellings, street townhouses, medium density residential units, parkland, pedestrian paths and SWM blocks; amend the Official Plan as developable through the Environmental Impact Study to Low Density Residential, Medium to High Density Residential and Core Mixed Use and rezone the lands as developable to a Residential 2A (R2A) Zone, Residential 3 R3 Zone and Residential Multiple RM1 Zone, Residential Multiple RM2 Zone and rezone those areas identified in the Environmental Impact Study as significant to Environmental Protection EP Zone.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding amendments to the Draft Plan of Subdivision, Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendment.

Ms. Dolch delivered a power point presentation which is available for viewing on the Town's website.

Ms. Dolch confirmed the statutory requirements for the public meeting were met, summarized the purpose of the meeting and reviewed the related report.

Mayor Redekop invited the developer to speak.

Joseph Plutino introduced himself as Principal Planner and Travis Sandberg, Junior Planner of Mainline Planning Services Inc. He explained they are pleased with the process to date. Staff organized a pre-submission consultation meeting with the Region, the Conservation Authority and other Town departments. They work for Trans Global Partners who in this case is Fort Erie Hills International Canada. They are a proactive firm who do an extreme level of due diligence. They organize an expert consultation team to do associated work and studies to establish constraints and ensure they prepare a connected and healthy community. His company designs communities all over Ontario. The report is professional and

## **APPENDIX 2**

comprehensive and they will work diligently with staff to ensure what is before them is a good starting point.

Mr. Sandberg delivered a power point presentation and provided a brief overview of the proposed development as a walkable, healthy community that includes pedestrian pathways, connects to the Region's cycle route, potential housing types and infrastructure.

Mayor Redekop asked if anyone was present to speak to the proposed amendments.

Ken Hagan, 31 Dodds Court, Fort Erie, explained that he was also speaking on behalf of his wife, Irena Neufeld, and that he has no objection to the townhouses, single or semi-detached dwellings or the design. He does object to Block 67 which is mixed local and commercial density location and Block 66 and 67 for apartment blocks. His concern is the underpass that is under sized at Thompson Road. He indicated the development should be held off until a bridge is built over the railroad. An increase in numbers to 2,000 cars will more than double the number of cars travelling through the underpass. He is concerned with motorized vehicles, bicycles and cars because it is narrow and about the density. Commercial should be allowed such as a small corner store near Crooks Street but not in blocks on Thompson Road or Phipps Street. He suggested Block 67 should be considered by the Town for a bridge or a bridge at Bowen Road and Pettit Road. He suggested that a better long term solution would be to have apartments closer to Central Avenue or one of the school areas. As a business owner on Jarvis Street, commercial areas should not be allowed in two locations in the plan and to encourage continued improvement to Jarvis Street. He also indicated this development should be open to the community and there should be pedestrian or road access and a stop sign at Street F. He is concerned about the height of the buildings and suggested they should be 3-5 storeys. He stated the underpass should be dealt with before any apartment buildings are approved.

Robert Fediash, 56 Dodds Court, Fort Erie, explained his concerns are logistic. He moved from Niagara Falls in 2011 to Fort Erie for the small Town concept and Rio Vista being in his backyard. It has been open and quiet since 1933 and now there will be 769 dwellings and just under 1,900 residents. He stated never in Fort Erie has a development been so vast and enormous as this one which seems to be a big city development.

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He questioned where else in Town do we have a development property with a population density such as this. Population density and traffic flow will be some of the problems. He hopes that Council will address this enormous project which will blow out the small Town concept that Fort Erie was so proud of.

Matt Silver, 1912 Kenwood Street, Fort Erie, explained his main concern is the concept to manage the increase of traffic at Thompson Road and Bowen Road under the railway bridge. Kenwood Street is 100 metres from that corner and the traffic rockets around that corner up Bowen Road. He suggested a stop sign as the cars launch up and one at Thompson Road before they dip down. He is not familiar with how developments are funded and questioned if the taxpayers will bear the increased costs required for infrastructure.

Andrea Wick, 210 Highland Avenue, Fort Erie, on behalf of Fort Erie Housing and Homelessness Coalition who represents the interests of Fort Erie residents and Community Service Organizations through their mandate to develop a strategic, collaborative, Fort Erie specific response to the housing crisis in Fort Erie. Their work is funded through the Niagara Region's Niagara Prosperity Initiative. She provided a brief overview of the growing housing crisis in Fort Erie and across the region, province and country. She referred to the Canadian Mortgage and Housing Corporation's November 21, 2016 media release that announced the establishment of a \$200 million dollar Affordable Rental Housing Innovation Fund to bring together developers and service agencies to create collaborative and innovative solutions for affordable rental units in communities. She stated the Coalition looks forward to partnering with the Fort Erie Hills Development team to make the development of affordable housing a reality in Fort Erie.

Steven Chalk, 379 Bowen Road, Fort Erie, explained he is disappointed since it was a designated green area and that the environmental impact study was so short. There was no mention of the many beehives and red fox on the property. The development is a huge undertaking and will affect his quality of life. He questioned medical facilities since it is difficult now to get a doctor. The property is designated green and is being used properly as a recreation area. He questioned if there were other sites for this proposal that would save and preserve this area. He is three houses away from the ninth green which is being proposed to be 4-5-6 storey buildings and that disappoints him. Property values are not an issue for him. He was a member of



## APPENDIX 2

the golf course and stated the new owner is looking at it in dollars and cents. He indicated he is not against development but it is a poor choice. If the Town continues to grow it will need recreational sites.

Jim Puhl, 3811 Rebstock Road, Crystal Beach, questioned how many acres the property is. He also questioned if they are asking for variances. He thinks this is great for the Town.

Bill Vernooy, 390 Bowen Road, Fort Erie, referred to the report that states to the north, south and west there are sensitive areas and he questioned why they are not on the plans and how the green space is supposed to take care of that. He referred to a presentation by the Bert Miller Nature Club to Council about 2 years ago advising that 90% of wetlands have been lost in Niagara and Ontario. He advised that he skis there in winter. No matter what time of year there is amazing nature such as herons, geese, deer are plentiful, frogs, and he questioned what is going to happen to them.

Mayor Redekop closed the public meeting.

*Council recessed for ten (10) minutes.*

### 7. Consent Agenda Items

#### 7.1 Request to Remove Consent Agenda Items for Discussion

None.

#### 7.2 Consent Agenda Items for Approval

|                    |  |
|--------------------|--|
| <b>PDS-99-2016</b> | Illegal Dumping Reward Initiative Partnership with The Regional Municipality of Niagara and Crime Stoppers Niagara |
|--------------------|--|

**That:** Council approves the Memorandum of Understanding between The Regional Municipality of Niagara and Crime Stoppers of Niagara, and further

**That:** Council authorizes and directs the Clerk to execute the acknowledgement of Council's review and approval of the Memorandum of Understanding. **(Carried)**

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RE: Fort Erie Hills Request for Comment -87 Crooks and 0 Thompson Road - Hydro One Comments

Brandon.Gaffoor

to:

KDolch

23/11/2016 02:29 PM

Hide Details

From: <Brandon.Gaffoor@HydroOne.com>

To: <KDolch@forterie.ca>

Hi Kira,

We are in receipt of your Draft Plan of Subdivision application, 87 Crooks and 0 Thompson Road dated November 2, 2016. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

If you have any questions please feel free to contact myself.

Kind Regards,

**Brandon Gaffoor**

Land Use Student Planner | Real Estate Services  
Hydro One Networks Inc. | 185 Clegg Road | Markham | Ontario | L3R 5Z5  
905.944.3224 | [Brandon.Gaffoor@HydroOne.com](mailto:Brandon.Gaffoor@HydroOne.com)



**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]

**Sent:** Thursday, November 03, 2016 12:37 PM

**To:** cindy.pridham@bell.ca; william.mckenzie@bell.ca; kris.watson@cnpower.com; sue.mabee@dsbn.org; Lampman, Cara; teresa.gray@niagararegion.ca; LANDUSEPLANNING; Municipal Planning; Levinski, Kathy; Randy Leppert; aaazouz@csdccc.edu.on.ca; rowcc@bell.ca; anthony.filice@canadapost.postescanada.ca; circulations@mmm.ca

**Subject:** Fort Erie Hills Request for Comment -87 Crooks and 0 Thompson Road

All:

Please find attached the Town's request for comment. Due to the size of the files I have attached the main documents highlighted in your letter but all other documents must be accessed through the Town's ftp site.

host: <ftp.town.forterie.ca>

Username: tofeplanning

password: cfd8y65

## APPENDIX 3

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Let me know if you have any difficulties.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502  
FAX: 1-905-871-6411

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Fort Erie - Phipps Street and Thompson Road - 350308-0120, 350309-0416 & 350302-0101

Helena.Targosinski

to:

KDolch

02/02/2017 11:08 AM

Hide Details

From: <Helena.Targosinski@HydroOne.com>

To: <KDolch@forterie.ca>

Good morning,

We are in receipt of your Revised Draft Plan of Subdivision application, 350308-0120, 350309-0416 & 350302-0101 dated January 26, 2017. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

If you have any questions please feel free to contact myself.

Thank you,

**Helena Targosinski**

Special Services Clerk, Real Estate Department

Hydro One Networks Inc.

Tel: (905)944-3224

Email: [Helena.Targosinski@HydroOne.com](mailto:Helena.Targosinski@HydroOne.com)

Sent on behalf of;

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]

**Sent:** Wednesday, February 01, 2017 1:05 PM

**To:** Jacqueline.moyle@bell.ca; william.mckenzie@bell.ca; kris.watson@cnpower.com; sue.mabee@dsbn.org; Lampman, Cara; teresa.gray@niagararegion.ca; LANDUSEPLANNING; Municipal Planning; Levinski, Kathy; Randy Leppert; planification; anthony.filice@canadapost.postescanada.ca; circulations@mmm.ca

**Subject:** RE: Fort Erie Hills Development Crooks Street, Phipps Street and Thompson Road-OPA, ZBA and Draft Plan of Subdivision Files 350308-0120, 350309-0416 & 350302-0101

All:

Please be advised that the Town of Fort Erie is in receipt of a revised plan and density calculations addressing

## APPENDIX 3

Page 2 of 2

some of the concerns raised for the above noted subject application. Should you have any additional comments as a result of the new plan please forward them to me by February 10, 2017. In addition, shortly we should be in receipt of a traffic study which will be forwarded to CN and the Region. Should you also wish a copy of this study for your review or just for your files please let me know and I will forward a copy to you.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502  
FAX: 1-905-871-6411

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## APPENDIX 3



Enbridge Gas Distribution  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

November 8, 2016

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
The Corporation of the Town of Fort Erie  
Community & Development Services  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Kira Dolch,

Re: Draft Plan of Subdivision & Zoning By-Law Amendment  
Fort Erie Hills International Canada Inc. (Dan Lane)  
85 Crooks & O Thompson Road  
Town of Fort Erie  
File No.: 350308-0120 & 350309-0416

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing [SalesArea80@enbridge.com](mailto:SalesArea80@enbridge.com) for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and /or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.

The applicant will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

## APPENDIX 3

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in grey ink, appearing to read 'Allison Sadler', with a stylized, flowing script.

**Allison Sadler**

Municipal Planning Advisor  
Distribution Planning & Records

---

**ENBRIDGE GAS DISTRIBUTION**

TEL: 416-495-5763

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

[enbridgegas.com](http://enbridgegas.com)

**Integrity. Safety. Respect.**

AS/jh

## APPENDIX 3



Enbridge Gas Distribution  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

February 3, 2017

Kira Dolch  
Manager of Development Approvals  
The Corporation of the Town of Fort Erie  
Community & Development Services  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Kira Dolch,

Re: Draft Plan of Subdivision, Official Plan Amendment & Zoning By-Law Amendment – Revised  
Fort Erie Hills International Canada Inc.  
Crooks Street, Phipps Street and Thompson Road  
Town of Fort Erie  
File No.: 350308-0120, 350309-0416 & 350302-0101

Enbridge Gas Distribution has no changes to the previously identified conditions for this revised application(s).

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Sadler'.

**Allison Sadler**

Municipal Planning Advisor  
Distribution Planning & Records

---

**ENBRIDGE GAS DISTRIBUTION**

TEL: 416-495-5763  
500 Consumers Rd, North York, ON, M2J 1P8

[enbridgegas.com](http://enbridgegas.com)

**Integrity. Safety. Respect.**

AS/jh



## **APPENDIX 3**

November 18, 2016

Kira Dolch, MCIP, RPP, CNU-A  
Manager Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Reference: Fort Erie Hills, Fort Erie

Thank you for contacting Canada Post regarding plans for a new subdivision in Fort Erie. Please see Canada Post's feedback regarding the proposal, below.

### **Service type and location**

1. Canada Post will provide mail service to the subdivision through centralized Community Mail Boxes (CMB's).
2. Given the number and the layout of the lots in the subdivision, we have determined that the CMB's will be installed at 7 locations. The sites are listed below and must be identified on the site plan.
  - a. Facing East, municipal easement at the rear of Block 5
  - b. Facing West, municipal easement at the rear of Block 13
  - c. Facing East, municipal easement at the rear of Block 16
  - d. Facing North, municipal easement at the rear of Block 27
  - e. Facing North, municipal easement at the rear of Block 36
  - f. Facing West, municipal easement at the rear of Lot 26
  - g. Facing North, municipal easement at the rear of Block 52

### **Municipal requirements**

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

## **APPENDIX 3**

### **Developer timeline and installation**

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

**Please see Appendix A for any additional requirements for this developer.**

Regards,

Tony Filice

Tony Filice  
Delivery Services Officer | Delivery Planning  
955 Highbury Ave N  
London, ON N5Y 1A3  
(519) 282-5199  
anthony.filice@canadapost.ca

## **APPENDIX 3**

### **Appendix A**

#### **Additional Developer Requirements:**

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - A concrete pad(s) (consult Canada Post for detailed specifications)
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)

## **APPENDIX 3**

February 2, 2017

Kira Dolch, MCIP, RPP, CNU-A  
Manager Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Reference: Fort Erie Hills (revised), Fort Erie

Thank you for contacting Canada Post regarding plans for a new subdivision in Fort Erie. Please see Canada Post's feedback regarding the proposal, below.

### **Service type and location**

1. Canada Post will provide mail service to the subdivision through centralized Community Mail Boxes (CMB's).
2. Given the number and the layout of the lots in the subdivision, we have determined that the CMB's will be installed at 7 locations. The sites are listed below and must be identified on the site plan.
  - a. Facing East, municipal easement at the rear of Block 32
  - b. Facing West, municipal easement at the rear of Block 56
  - c. Facing North, municipal easement at the rear of Block 62
  - d. Facing West, municipal easement at the rear of Block 75
  - e. Facing North, municipal easement at the rear of Block 84
  - f. Facing North, municipal easement at the rear of Lot 8
  - g. Facing North, municipal easement at the rear of Block 100

### **Municipal requirements**

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

### **Developer timeline and installation**

### **APPENDIX 3**

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

**Please see Appendix A for any additional requirements for this developer.**

Regards,

Tony Filice

Tony Filice  
Delivery Services Officer | Delivery Planning  
955 Highbury Ave N  
London, ON N5Y 1A3  
(519) 282-5199  
anthony.filice@canadapost.ca

## **APPENDIX 3**

### **Appendix A**

#### **Additional Developer Requirements:**

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - A concrete pad(s) (consult Canada Post for detailed specifications)
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)



RE: Fort Erie Hills Request for Comment -87 Crooks and 0 Thompson Road  
Craig Krueger  
to:  
KDolch@forterie.ca  
04/11/2016 09:14 AM  
Hide Details  
From: Craig Krueger <Craig.Krueger@cogeco.com>  
To: "KDolch@forterie.ca" <KDolch@forterie.ca>  
History: This message has been replied to.

Hi Kira,

Cogeco is obviously interested in this project as it develops, we have no concerns at this time.  
Is there anything else you require from us?

Craig

**CRAIG KRUEGER**

System Planner  
Niagara Falls- Niagara on the Lake

T 289-296-6239 | C 905 650-5886

7170 McLeod Road  
Niagara Falls, ON L2G 3H2

[cogeco.ca](http://cogeco.ca)



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Cogeco Câble Canada, 5 Place Ville-Marie, Bureau 1700, Montréal, Québec, H3B 0B3

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Cogeco Cable Canada, 5 Place Ville-Marie, Suite 1700, Montreal, Quebec, H3B 0B3

## APPENDIX 3

Page 2 of 3

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**From:** Randy Leppert  
**Sent:** Thursday, November 03, 2016 3:09 PM  
**To:** Craig Krueger  
**Subject:** FW: Fort Erie Hills Request for Comment -87 Crooks and 0 Thompson Road

### RANDY LEPPERT

Planning Lead Hand Niagara  
Network Planning and Design

T 289-296-6228 | C 905-351-3771

7170 McLeod Rd  
Niagara Falls, Ontario  
L2G 3H2 Canada  
[cogeco.ca](http://cogeco.ca)



---

**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]  
**Sent:** Thursday, November 3, 2016 12:37 PM  
**To:** [cindy.pridham@bell.ca](mailto:cindy.pridham@bell.ca); [william.mckenzie@bell.ca](mailto:william.mckenzie@bell.ca); [kris.watson@cnpower.com](mailto:kris.watson@cnpower.com); [sue.mabee@dsbn.org](mailto:sue.mabee@dsbn.org); Lampman, Cara; [teresa.gray@niagararegion.ca](mailto:teresa.gray@niagararegion.ca); LandUsePlanning; Municipal Planning; Levinski, Kathy; Randy Leppert; [aaazouz@csdccc.edu.on.ca](mailto:aaazouz@csdccc.edu.on.ca); [rowcc@bell.ca](mailto:rowcc@bell.ca); [anthony.filice@canadapost.postescanada.ca](mailto:anthony.filice@canadapost.postescanada.ca); [circulations@mmm.ca](mailto:circulations@mmm.ca)  
**Subject:** Fort Erie Hills Request for Comment -87 Crooks and 0 Thompson Road

All:

Please find attached the Town's request for comment. Due to the size of the files I have attached the main documents highlighted in your letter but all other documents must be accessed through the Town's ftp site.

host: [ftp.town.forterie.ca](ftp://ftp.town.forterie.ca)

Username: tofeplanning

password: cfd8y65

Let me know if you have any difficulties.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502



## **APPENDIX 3**

Page 3 of 3

FAX: 1-905-871-6411

## APPENDIX 3



# Interoffice Memorandum

November 15, 2016  
File No.350308-0120 & 350309-0416

To: Kira Dolch  
From: Robert Kirk, Senior Fire Prevention Inspector  
Subject: **Draft Plan of Subdivision and Zoning By-law Amendment**  
**Fort Erie Hills Inc. – 87 Crooks Street and 0 Thompson Road**

---

The Fort Erie Fire Department has the following concerns with the above-mentioned submission.

1. Fire Department Access  
Ontario Building Code 3.2.5.6.  
(1) A portion of a roadway or yard provided as a required access route for fire department use shall,
  - f. **Have turnaround facilities for any dead-end portion of the access route more than 90 m long,**

According to DWG. NO. POS, 'Street G' is longer than the allowable 90 m limit under the Ontario Building Code, Clause 3.2.5.6.(1)(f). If the proposed North Bowen Road extension is not opened and connected to 'Street G' when the development is complete, then a turnaround would need to be installed at the end of 'Street G' to comply with the above stated Ontario Building Code.

Robert Kirk  
Senior Fire Prevention Inspector

rlk

cc: Larry Coplen, Fire Chief



Comments - 85 Crooks Street Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment

Nadia ElDabee

to:

kdolch@town.forterie.on.ca

31/10/2016 04:12 PM

Hide Details

From: Nadia ElDabee <Nadia.ElDabee@cn.ca>

To: "kdolch@town.forterie.on.ca" <kdolch@town.forterie.on.ca>

History: This message has been forwarded.

### 1 Attachment



Transfer of Easement - Corridor version.doc

Hi Kira,

Thank you for circulating CN.

An adequate setback must be ensured in the absence of a safety berm, CN recommends a 120 meter setback to confer equivalent protection.

CN anticipates the opportunity to review a noise study. An Engineer's certificate with a professional seal must be provided for confirmation of no adverse impacts and a description of what happens to water downstream from the project to ensure that there are no impacts or outlets to CN lands. This should be provided for obvious safety reasons. To be thorough a copy of the certificate should be provided to the municipality and CN.

Please note that in consideration of the sensitivity of this project, the applicant should advise future occupants of CN's standard clause. The standard clause should be included in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way, to address various issues relating to the safety and well-being of future occupants, but also to protect the integrity of railway operations and lands:

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

I have attached a copy of the environmental easement to be registered on title. The proponent can contact me directly to satisfy this condition.

CN also anticipates the opportunity to review more information on the proposed trail and road networks and more specifically on expected impacts to traffic flow and pedestrian safety at the Thompson Rd grade separated structure. Please note that CN would not support a new at grade crossing to accommodate traffic generated by this development. The municipality should rather consider adding or improving grade separated structures if additional access points are required.

Best regards,

Nadia



**Nadia El Dabee**  
Community Planning & Development  
Planification et développement communautaires  
nadia.eldabee@cn.ca  
514-399-7844

\*\*\*\*\*

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## APPENDIX 3

### SCHEDULE “B”

#### TRANSFER OF EASEMENT

##### Interest/Estate Transferred

WHEREAS the Transferor is the owner of those lands located in the City of \* and Province of Ontario, being composed of \* and herein referred to as the “**Easement Lands**”;

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) now paid by the Transferee to the Transferor (the receipt and sufficiency of which are hereby acknowledged by the Transferor), the Transferor transfers to the Transferee, its successors and assigns, a permanent and perpetual easement or right and interest in the nature of a permanent and perpetual easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting or releasing thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds of every nature and kind whatsoever arising from, out of or in connection with any and all present and future railway facilities and operations upon the Transferee’s Lands and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the “Operational Emissions”).

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licencees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. This Easement shall be read with all changes of gender and number as required by the context in each case and the covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.



85 Crooks St Noise Study - Fort Erie Hills Subdivsion

Nadia ElDabee

to:

Kira Dolch

19/01/2017 12:35 PM

Hide Details

From: Nadia ElDabee <Nadia.ElDabee@cn.ca>

To: Kira Dolch <KDolch@forterie.ca>

History: This message has been replied to.

1 Attachment



Transfer of Easement - Corridor version.doc

Hi Kira,

Thank you for circulating the noise study.

Please note the noise study is satisfactory for CN's purposes provided the recommendations of the noise study are implemented as conditions of an eventual approval.

Also, I have attached a copy of the environmental easement to be registered on title. The proponent can contact me directly to satisfy this condition.

Before CN can issue clearance on this application we will need a better understanding on how the traffic flows and increase trespassing pressure on the corridor as a result of the new development will be addresses.

Kind regards,  
Nadia



**Nadia El Dabee**

Community Planning & Development

Planification et développement communautaires

[nadia.eldabee@cn.ca](mailto:nadia.eldabee@cn.ca)

514-399-7844

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---

**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]

**Sent:** Tuesday, January 17, 2017 9:05 AM

**To:** Nadia ElDabee

**Cc:** Raymond Beshro

**Subject:** Fw: Fort Erie Hills Subdivsion

Nadia:

Just wanted to confirm you received the noise study I sent on Jan 9, 2017.

All the best,

Kira Dolch, MCIP, RPP,CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502  
FAX: 1-905-871-6411

----- Forwarded by Kira Dolch/FortErie on 17/01/2017 09:03 AM -----

From: Kira Dolch/FortErie  
To: Nadia ElDabee <[Nadia.ElDabee@cn.ca](mailto:Nadia.ElDabee@cn.ca)>  
Date: 09/01/2017 10:02 AM  
Subject: Fort Erie Hills Subdivision

---

Nadia:

Please find attached the noise study you have been waiting for. Please let me know if you need anything further.  
If not I would hope to receive your comments by January 23, 2017.

All the best,

Kira Dolch, MCIP, RPP,CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502  
FAX: 1-905-871-6411

## APPENDIX 3



### 85 Crooks St Fort Erie Hills - Traffic Impact Study Review

**Nadia ElDabee** to: KDolch@forterie.ca

19/04/2017 12:27 PM

History: This message has been replied to.

3 attachments



Fort Erie Hills - Appndx 2- Traffic Diagrams (March 22, 2017).pdf



Fort Erie Hills - Appndx 1 - Traffic Analysis Outputs (March 22, 2017).pdf



Fort Erie Hills - Traffic Impact Study (March 22, 2017).pdf

Hello Kira,

Please see below CN Engineer's comments and concerns regarding the Traffic Impact Study for 85 Crooks Street. We sent the email yesterday, however received a bounce back.

Kind regards,  
Nadia



**Nadia El Dabee**

Community Planning & Development

Planification et développement communautaires

[nadia.eldabee@cn.ca](mailto:nadia.eldabee@cn.ca)

514-399-7844

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\*\*\*\*\*

**From:** Stefan Linder

**Sent:** Tuesday, April 18, 2017 4:55 PM

**To:** [KDolch@forterie.ca](mailto:KDolch@forterie.ca)

**Cc:** Nadia ElDabee <[Nadia.ElDabee@cn.ca](mailto:Nadia.ElDabee@cn.ca)>

**Subject:** 85 Crooks St Fort Erie Hills - Traffic Impact Study for Review

Hi Kira,



## APPENDIX 3

The only foreseeable impact is to Thompson Rd, which is presently a two-lane roadway underpass that traverses both CN (Mi 2.36, Stamford Subdivision) and CP.


The CN grade separation is located at the West end of Fort Erie Yard with an existing 6-track ROW and an overall railway ROW width of ~200 ft.

Immediately to either side of the grade separation are to passively protected T-intersections Phipps St and Thompson (North) and Bowen Rd and Thompson Rd (South). The Phipps St and Thompson (North) intersection will likely receive the full traffic flow from the proposed residential development.

The report indicates that the grade separation area should be monitored for potential traffic delays.

Thank you,  
Stefan Linder

***Stefan Linder, B.Eng, MBA***

Directeur - Travaux Publics / Manager Public Works  
 Etudes et travaux de construction / Design and Construction  
1 Administration Road, Stn 515  
Concord, Ontario L4K 1B9  
Tel: 905-669-3264  
Fax: 905-760-3406  
E-mail: [Stefan.Linder@cn.ca](mailto:Stefan.Linder@cn.ca)

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\*\*\*\*\*

----- Message from Nadia ElDabee <[Nadia.ElDabee@cn.ca](mailto:Nadia.ElDabee@cn.ca)> on Tue, 4 Apr 2017 14:27:15 +0000 -----

**To:** Stefan Linder <[Stefan.Linder@cn.ca](mailto:Stefan.Linder@cn.ca)>

**Subject** 85 Crooks St Fort Erie Hills - Traffic Impact Study for  
: Review

Stefan,

The Town would also like to know:

“should it be determined by the Town that a traffic circle is the best option for alignment issues at Phipps and Thompson is this an issue for CN?”

Thanks,  
Nadia



**Nadia El Dabee**

## APPENDIX 3

Community Planning & Development  
Planification et développement communautaires  
nadia.eldabee@cn.ca  
514-399-7844

\*\*\*\*\*

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\*\*\*\*\*

**From:** Nadia ElDabee  
**Sent:** Tuesday, April 04, 2017 10:10 AM  
**To:** Stefan Linder <Stefan.Linder@cn.ca>  
**Subject:** 85 Crooks St Fort Erie Hills - Traffic Impact Study for Review

Hi Stefan,

Please see attached development proposal for 53 single detached units, 46 semi-detached units, 206 street townhouses, and 464 medium density apartment units with mixed-use neighborhood commercial in Fort Erie mile point 2 Stamford Sub.

Could you please review the traffic impact study.

Thank you,  
Nadia



**Nadia El Dabee**  
Community Planning & Development  
Planification et développement communautaires  
[nadia.eldabee@cn.ca](mailto:nadia.eldabee@cn.ca)  
514-399-7844

\*\*\*\*\*

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\*\*\*\*\*

**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]  
**Sent:** Monday, March 27, 2017 3:05 PM  
**To:** Nadia ElDabee <[Nadia.ElDabee@cn.ca](mailto:Nadia.ElDabee@cn.ca)>  
**Subject:** Fw: Fort Erie Hills - Traffic Impact Study - Submission for Circulation

Nadia:

## APPENDIX 3

Please find attached the traffic impact study for your review and comment. I would hope to have your comments and any final conditions of approval by April 5th, 2017 if possible.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502

FAX: 1-905-871-6411

----- Forwarded by Kira Dolch/FortErie on 27/03/2017 03:02 PM -----

From: Travis Sandberg <[tsandberg@mainlineplanning.com](mailto:tsandberg@mainlineplanning.com)>  
To: Kira Dolch <[KDolch@forterie.ca](mailto:KDolch@forterie.ca)>  
Cc: "Keegan Jennings ([kgennings@town.forterie.on.ca](mailto:kgennings@town.forterie.on.ca))" <[kgennings@town.forterie.on.ca](mailto:kgennings@town.forterie.on.ca)>, Joe Plutino <[jplutino@mainlineplanning.com](mailto:jplutino@mainlineplanning.com)>, Dan Lane <[daniellane64@gmail.com](mailto:daniellane64@gmail.com)>  
Date: 22/03/2017 02:45 PM  
Subject: Fort Erie Hills - Traffic Impact Study - Submission for Circulation

---

Good Afternoon Kira,

I am happy to inform that the Traffic Impact Study for Fort Erie Hills is now complete. Three (3) hardcopies will be couriered to your attention, as per the pre-consultation agreement. A digital copy of the report is attached hereto in the interim.

Please contact me should additional copies be required.

My Absolute Best Regards,

Travis Sandberg, BA Geography  
Planner  
**mainline planning services inc.**  
P.O. Box 319 Kleinburg, Ontario L0J 1C0

email: [tsandberg@mainlineplanning.com](mailto:tsandberg@mainlineplanning.com)

tel: 905-893-0046 x225

fax: 888-370-9474

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Thank you.



## Interoffice Memorandum

April 19, 2017

File No. 350308-0120 & 350309-0416

To: Kira Dolch, Manager, Development Approvals  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **COMMENTS – ENGINEERING DIVISION  
DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT –  
FORT ERIE HILLS INC.**

---

On behalf of the Infrastructure Services Department, Engineering Division, a review of the above noted Draft Plan of Subdivision and Zoning By-law Amendment applications has been completed. After a review of the applications and associated documents the following comments and requirements regarding the proposed applications are provided:

### **General Comments**

1. I have no objection to the proposed zoning by-law amendment.
2. The internal lands of this development are not serviced. The developer will be responsible for all associated costs to extend required municipal services into the subject lands as well as construction of services on Bowen Road and Thompson Road (as required). Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.
3. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
4. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.
5. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.
6. The Owner must obtain approved Service Connection Permits from the Town of Fort Erie for residential connections to existing sewers or watermains.
7. A geotechnical study and hydrogeological study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.

## APPENDIX 3

8. Phasing of the development servicing shall be subject to approval from the Director of Infrastructure Services.
9. The owner will be required to submit additional Planning Act applications to the Town for development of Blocks 64, 65, 66 & 67.

### **Roads Comments**

1. All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).
2. All proposed roadways within the plan shall be dedicated as public highways.
3. All road intersections and curves shall be designed and constructed in accordance with OPS and TAC requirements. Road allowance widths (20m minimum) must be able to accommodate all turning radii under this requirement.
4. LED Streetlights will be required as per the Town street light policy.
5. In addition to the daylighting triangles shown on the proposed draft plan (R4.5m), daylight triangles (7.0m x 7.0m) must be provided at the intersections of Street A and Thompson Road and at the intersections of Street D, F & G with Bowen Road. A 7.0m x7.0m daylight triangle shall be provided at the north-west corner of Block 66 and the north-east corner of Block 65.
6. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical. A 1.5m wide sidewalk shall also be provided on the north side of Phipps Street, on the south side of Bowen Road, on the west side of Dodds Way and on the west side of Crooks Street in accordance with **Attachment '1'**.
7. The developer is responsible for the construction of Bowen Road in accordance with the Town's standards. The designer is required to coordinate with the Niagara Region and the Town with regard to future infrastructure that may need to be constructed at a future date within the right-of-way.
8. The proposed 0.30m reserves shown as Blocks 73, 74, 75, 76 & 77 are not necessary since the proposed streets will become municipal roads. Reserves are typically used to restrict access to a road from private property.
9. The Town does not require a pedestrian path over Block 71 to Block 68 since there is no pedestrian path around the stormwater management facility. Access for maintenance can be from Bowen Road. We assume that storm sewer pipes will need to cross from Street 'E' to the SWM Facility however this can be achieved with the use of an easement.

## **APPENDIX 3**

10. A 4.0m block shall be provided between Blocks 30 and 31 from Street 'C' to Phipps Street for a 2.0m wide pedestrian path.
11. 90 degree road curves (Street F at Block 59, Street C at Blocks 23 & 24; Street B at Block 13; Street D at Lot 26 & Street G at Block 44) shall be designed and constructed in accord with Town of Fort Erie Standard Drawings PW-504-FE (See **Attachment '2'**). The road allowances will need to be modified accordingly.

### **Watermain Comments**

1. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.
2. All watermains must be looped to ensure a consistent turn-over of water within the development. In order to provide the necessary looping, new watermains shall also be provided on Bowen Road from Crooks Street to Thompson Road and on Thompson Road from Bowen Road to Street A, as well as on all internal streets.
3. In order to effectively provide sufficient watermain connections to development site, connections shall be made to the existing municipal watermains on Crooks Street, Dodds Way and at the intersection of Phipps Street and Thompson Road.
4. A watermain shall be installed by directional drilling or other approved trenchless installation method under Frenchman's Creek. Installation of the watermain under the creek shall be subject to approval from the appropriate authority.
5. Watermains within the cul-de-sacs shall be designed and constructed in accordance with **Attachment '3'**.

### **Sanitary Sewer Comments**

1. The proposed development will connect to the sanitary sewer on Bowen Road that discharges to the Niagara Boulevard Trunk Sewer. The developer shall confirm that there is adequate capacity in the receiving sewer.
2. The Town is not equipped to take over maintenance and operation of a sewage pumping station. Therefore, the Niagara Region will need to agree to assume maintenance and operation of the required sewage pumping station.

### **Storm Drainage Comments**

1. The developer of these lands must address any downstream impacts of storm water runoff from the proposed development. Downstream impacts can be mitigated with on-site storm management. Storm water management must include a means to control the release of post development storm run off to predevelopment rates for storm events (for the 5-year storm and up to and including the 100-year storm). The difference in pre and post development runoff shall be stored on site and released at a safe controlled rate. The

### APPENDIX 3

release rate shall not create downstream flows that may increase erosion. If the receiving outlet(storm sewer, ditch or drainage course) has not been designed for the 5-year storm, then site discharge must be controlled to the site pre-development rate discharge for that outlet based on the existing design capacity of the outlet and the downstream system.

2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.
3. The developer must provide a SWM report for all development phases of the subject lands.
4. Rear yard catch basins (RYCB) must also be incorporated into the development drainage system. The rear yard catch basins would provide a means to ensure consistent rear yard drainage, provide outlets for the swale system and provide access to the storm sewer system for flushing maintenance. 3.0m wide easements, in favour of the Town, would be required to allow access to the catch basins and leads for maintenance purposes. RYCB leads shall be offset from lot lines.
5. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.
6. Existing overland drainage patterns must be maintained.
7. The Town would assume responsibility for the maintenance of the storm water management facility, as set out in the subdivision agreement.
8. A land block must be dedicated for a SWM facility and will ultimately be dedicated to the Town. A maintenance pathway, 3.0m wide, may be required around the circumference of the facility. Side slopes on the ponds shall be as per Town guidelines.
9. A 1.50m high chain link fence (black preferred) shall be provided along all sides of storm water pond land block (Blocks 68) that are adjacent to private property.
10. It is the preference of the Infrastructure Services Department that only one stormwater management facility be constructed. The Developer shall explore stormwater management alternatives to see if one of the ponds can be eliminated and replaced with low-impact development stormwater management techniques. The developer may also want to explore the use of a super-pipe and oil/ grit separator system for the east side of Frenchman's Creek.



### APPENDIX 3

11. The Developer is advised that prior to registration of this plan, the owner shall obtain Ministry of the Environment Environmental Compliance Approvals to the satisfaction of the Director of Infrastructure Services, for the necessary storm sewers and storm water management for this development.

#### REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:

1. That the owner deed Block 68, as shown on the Draft Plan to the Town for stormwater management facility, free and clear of any mortgages, liens and encumbrances.
2. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
3. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
4. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to ground surface via splash pads to either side or rear yards, with no direct connection to the storm sewer or discharge directed to the driveway or roadway."*
5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*
6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*
7. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study and Hydrogeological Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered. Owner to provide three copies of the final study, once approved by the Town.
8. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
9. That any phasing of subdivision servicing shall be to the satisfaction of the Town.
10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon

### APPENDIX 3

installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

11. That the streets be named to the satisfaction of the Town.
12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town. A 1.5m wide sidewalk shall also be provided on the north side of Phipps Street, on the south side of Bowen Road, on the west side of Dodds Way and on the west side of Crooks Street to the satisfaction of the Town.
13. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
14. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie 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, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - 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;
  - b) Detailed sediment and erosion control plans.
15. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 14 above.
16. Owner shall provide daylight triangles (4.5m x 4.5m or radius of 4.5m) must be provided at internal street corners. The owner shall provide daylight triangle (7.0m x 7.0m) at the intersections of Street A and Thompson Road; the intersections of Bowen Road with Streets D, F and G, the north-west corner of Block 66 and the north-east corner of Block 65. Daylight triangles are to be added to road allowances and must be free and clear of any mortgages, liens and encumbrances
17. The existing bridge that crosses Frenchman's Creek and that is proposed to connect to the pedestrian pathways shall be structurally assessed by a qualified professional engineer. The structural assessment report shall be provided to the Town of Fort Erie and all recommended remediation and/ or replacement of the structure shall be included in the

## **APPENDIX 3**

subdivision agreements as Primary Service. All other pedestrian bridges within Blocks 63 & 78 shall be removed. Permits from the Niagara Peninsula Conservation Authority may be required to complete this work.

18. The Developer shall provide a Traffic Impact Study (TIS) for review and approval by the Town. The TIS shall follow the guidelines of the Niagara Region for Traffic Impact Studies and shall examine the traffic impact of the proposed development. Analysis of the proposed and existing street intersections shall be performed and design recommendations shall be incorporated into the final design.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

Attach: Attachment '1' – Sidewalk Layout  
Attachment '2' – Standard Drawing PW-504-FE  
Attachment '3' – Cul-de-sac Watermain Looping

cc: George Stojanovic, Manager, Engineering Division

## APPENDIX 3



**NIAGARA PENINSULA  
CONSERVATION  
AUTHORITY**

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

December 21, 2016

Via Email Only

Ms. Kira Dolch, MCIP, RPP, CNU-A  
Manager of Development Approvals  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Our File: PLSUB201600332

Dear Ms. Dolch

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
Applications for Official Plan Amendment, Zoning By-law Amendment and  
Draft Plan of Subdivision (Fort Erie Hills)  
North Side of Phipps Street, West of Crooks Street  
Town of Fort Erie  
Owner: Fort Erie Hills Inc.  
File Nos.: 350308-0120 & 350309-0416**

The NPCA has received applications for Official Plan amendment (OPA), Zoning By-law amendment (ZBA) and Draft Plan of Subdivision for the above project. We have also received a functional servicing report – FSR (prepared by TMIG and dated March 2016), an environmental impact study – EIS (prepared by Dillon Consulting and dated August 2016), a technical memorandum regarding surface water and wetland hydrology study (prepared by Palmer Environmental Consulting Group and dated June 30 2016) and a tree preservation plan (prepared by Dillon Consulting and dated August 2016), all in support of the applications. The purpose of the applications is to allow the development of the subject lands into a 34.17 hectare residential subdivision. We have reviewed the applications and offer the following comments.

### **NPCA Policies**

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands are impacted by Frenchman's Creek (including its associated valley), the 100 year flood plain (flood plain) for the Frenchman's Creek, the Frenchman's Creek Wetland Complex, which is a Provincially Significant Wetland (PSW) and two tributaries to Frenchman's Creek.

## **APPENDIX 3**

Section 3.17 of the NPCA's policies outlines permitted uses within the flood plain. New development is typically not permitted within the flood plain. The FSR has provided revised flood plain mapping based on a detailed topographic survey of the subject lands. The NPCA has no objection to the revised flood plain mapping. Furthermore, the applications confine the flood plain to Blocks 61, 63 and 78 which are intended for environmental protection. NPCA staff have no objection to this and consider this to comply with NPCA policy.

Section 3.24 of the NPCA's policies pertains to development in wetlands and prohibits new development within PSWs. The applications have placed the PSW and its associated 30 metre buffer within Blocks 61, 63 and 78. NPCA staff have no objection to this and consider this to comply with NPCA policy. To provide the appropriate land use categories for the proposed subdivision, NPCA staff recommend that Blocks 61, 63 and 78 be designated as Environmental Protection (those portions not already designated as such) and be rezoned to Environmental Protection (those portions not already zoned as such).

The valleylands associated with Frenchman's Creek are regulated by the NPCA. Given that the entire valleyland system is contained within Blocks 61, 63 and 78 and provide sufficient setback from the top of slope, NPCA staff have no concerns regarding the Frenchman's Creek valleyland.

There are two minor watercourses on the subject lands, identified as Tributaries 3 and 4 in the EIS. The EIS has examined these features and determined that they have no natural heritage significance and do not support fish habitat. NPCA staff have no objection to this conclusion and have no objection to removal of the minor watercourses as contemplated by the proposed subdivision. Work Permits from the NPCA will not be required for removal of these tributaries as this matter can be addressed through stormwater management review.

The proposed subdivision includes a pedestrian path (Block 72) which will cross Frenchman's Creek. NPCA staff have no objection to this in principle. Please note that an NPCA Work Permit will be required for any site alteration associated with Block 72 that bisects Blocks 63 and 78 (including the crossing of Frenchman's Creek).

Based on the above, NPCA staff have no objections to the applications as they relate to NPCA policies, subject to the Conditions of Draft Plan Approval provided below.

### **Regional Official Plan – Chapter 7 (Natural Environment)**

Under the terms of the Memorandum of Understanding between Niagara Region, the local municipalities and the NPCA, the NPCA reviews all planning applications for conformity with Chapter 7 (Natural Environment) of the Regional Official Plan (ROP). The subject lands contain Environmental Protection Areas (EPA) due to the previously noted PSW and also due to the presence of species at risk (SAR) habitat. There is also

### APPENDIX 3

Environmental Conservation Areas (ECA) affecting the site due to significant woodlands, significant valleyland and significant wildlife habitat.

Policy 7.B.1.10 of the ROP prohibits development within EPAs. The applicant has identified the extent of PSW on the subject property and has provided a 30 metre buffer around this feature. With respect to SAR, the applicant completed SAR bat surveys (including acoustical monitoring) in accordance with Ministry of Natural Resources and Forestry (MNRF) protocol and confirmed the presence of SAR bat habitat on the subject lands. Such SAR habitat is considered EPA in the ROP. NPCA staff are satisfied that the extent of SAR habitat is adequately protected within Block 78.

Policy 7.B.1.11 of the ROP prohibits development and site alteration within lands classified as ECA and on adjacent lands to EPAs unless it has been demonstrated that there will be no significant negative impact over the long term to the feature or its ecological functions. The EIS has mapped the extent of ECA features on the site and conducted a constraint analysis of these features. Through the constraint analysis areas of high, moderate and low constraint were identified. Within the moderate constraint areas, an additional category of areas suitable for development was identified.

The areas of moderate constraint contain most of the mapped ECA features and include buffers for most of these features. The areas of moderate constraint identified for removal contain a higher concentration of invasive species and provide lower ecological function. To mitigate the impacts of removing part of the woodland on the subject lands, ecological restoration and enhancement is proposed along the Frenchman's Creek corridor. NPCA staff have no objection to the delineation of Blocks 61, 63 and 78 based on the constraint mapping and have no objection, in principle, to mitigating the impacts of removing portions of the ECA through the restoration/enhancement plan. With the implementation of the recommended Conditions of Draft Plan Approval, NPCA staff considers the applications to conform to Policy 7.B.1.11 as it relates to the ECAs.

With respect to the adjacent lands of the PSW, the EIS and wetland hydrology study have identified the need to implement low impact design (LID) techniques in order to achieve an appropriate infiltration balance, in order to demonstrate conformity with Policy 7.B.1.11. This can be appropriately addressed through a Condition of Draft Plan Approval.

Policy 7.B.1.15 of the ROP apply to Fish Habitat. Frenchman's Creek is classified as Type 1 (Critical) Fish Habitat. Type 1 Fish Habitat normally requires a buffer of 30 metres, however, this can be reduced to a minimum of 15 metres where supported by an EIS. The entire reach of Frenchman's Creek that runs through the subject lands is within Blocks 63 and 78 and has a 30 metre buffer for most of the Creek. NPCA staff have no objections to this.

Policy 7.B.1.19 of the ROP requires the submission of a tree saving plan where development is approved within or adjacent to the core natural heritage system in order to maintain/enhance the remaining natural features and ecological functions. NPCA staff

## **APPENDIX 3**

have reviewed the tree saving plan submitted with the applications and note that it did not include any recommendations for protection measures for trees to be retained (e.g. requires more detail of the mitigation measures to protect the trees to be retained along the edge of the developed area), as required by the Region of Niagara Tree and Forest Conservation By-law. A Condition of Draft Plan Approval requiring an updated tree saving plan is included below.

To provide the appropriate land use categories for the proposed subdivision, NPCA staff recommend that Blocks 61, 63 and 78 be designated as Environmental Protection (those portions not already designated as such) and be rezoned to Environmental Protection (those portions not already zoned as such).

Based on the above, NPCA staff considers the applications to conform to Chapter 7 of the ROP, subject to the Conditions of Draft Plan Approval below and the recommended redesignation and rezoning.

### **Stormwater Management**

Under the terms of the Memorandum of Understanding between Niagara Region, the local municipalities and the NPCA, the NPCA provides technical clearance with respect to stormwater management submissions on behalf of the Region of Niagara. Based on our review of the FSR, we offer the following:

1. The NPCA will require that stormwater quality controls be installed in order to treat stormwater runoff to an Enhanced standard prior to discharge from the site.
  - a. The NPCA has no objection to the proposal to construct two stormwater management wet ponds in order to meet this criteria.
  - b. Based on our preliminary review, it appears that there is sufficient area in the two proposed stormwater management blocks in order to construct stormwater management facilities to achieve the required quality control criteria.
2. The NPCA will require that all post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year design storm event prior to discharge from the site.
  - a. The NPCA has no objection to the proposal to construct two stormwater management wet ponds in order to meet this criteria.
  - b. Based on our preliminary review, it appears that there is sufficient area in the two proposed stormwater management blocks in order to construct stormwater management facilities to achieve the required quantity control criteria.
3. The NPCA will require that all stormwater runoff from the 25 mm design storm be captured and released over a period of 24 hours in order to mitigate the impacts of erosion on Frenchman's Creek.



## APPENDIX 3

- a. The NPCA has no objection to the proposal to construct two stormwater management wet ponds in order to meet this criteria.
  - b. Based on our preliminary review, it appears that there is sufficient area in the two proposed stormwater management blocks in order to construct stormwater management facilities to achieve the required erosion control criteria.
4. Prior to construction, the NPCA will require detailed grading, storm servicing, stormwater management, and construction erosion control drawings be submitted to this office for review and approval.

### Additional Advisory Comments

Please note that vegetation removal associated with clearing, site access and staging should occur outside the key breeding bird period identified by Environment Canada for migratory birds to ensure compliance with the *Migratory Birds Convention Act* (MBCA), 1994 and Migratory Bird Regulations (MBR). Vegetation removal should be undertaken outside the breeding season for migratory birds (March 15 and August 31). For any proposed clearing of vegetation within this timeframe a nest survey should be completed by a qualified avian biologist prior to commencement of works to identify and locate active nests of species covered by the MBCA. The NPCA does not administer the MBCA, as it is Federal legislation. This comment is provided to inform the applicant of the MBCA. Any specific questions regarding the MBCA should be directed to Environment Canada.

### Conditions of Draft Plan Approval

The NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the subdivision application.

1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading, storm servicing, stormwater management, and construction erosion control drawings. The stormwater management plan shall include low impact design measures as required by the Environmental Impact Study (prepared by Dillon Consulting, dated August, 2016) to demonstrate conformity with Regional Official Plan Policy 7.B.1.11.
2. That the developer submit a restoration and enhancement plan for Blocks 61, 63 and 78 to the Niagara Peninsula Conservation Authority for review and approval in order to demonstrate conformity with Regional Official Plan Policy 7.B.1.11. The restoration and enhancement plan shall be implemented through the Subdivision Agreement between the Town of Fort Erie and the Developer.
3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to commencing any work/site alteration



### APPENDIX 3

associated with the approved restoration and enhancement plan noted in Condition 2.

4. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any new/upgrading of crossings of Frenchman's Creek for the pedestrian path.
5. That Blocks 61, 63 and 78 be designated Environmental Protection, to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That Blocks 61, 63 and 78 be zoned to an Environmental Protection category to the satisfaction of the Niagara Peninsula Conservation Authority.
7. That the Developer provide a 1.5 metre high (minimum) chain link fencing along the portions of Blocks 61, 63 and 78 that abut a residential lot/block, Blocks 62, 68 and 70, to the satisfaction of the NPCA.
8. That sediment control and limit of work fencing be shown on the Grading Plan along the portions of Blocks 61, 63 and 78 that abut a residential lot/block, Blocks 62, 68 and 70, to the satisfaction of the NPCA and that no grading occur beyond this point. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
9. That prior to any site clearing, the Developer submit an addendum to the Tree Saving Plan to the Niagara Peninsula Conservation Authority for review and approval as required under Policy 7.B.1.19 of the Regional Official Plan. The Tree Saving Plan shall be prepared in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) and shall implement the recommendations of the Environmental Impact Study prepared by Dillon Consulting, dated August, 2016.
10. That the Developer agree to notify all contractors of the tree protection requirements of the Tree Saving Plan in Condition 9.
11. That Conditions 1 to 10 above be incorporated into the Subdivision Agreement between the Developer and the Town of Fort Erie, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Fort Erie shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

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### Conclusion

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

Regards,



David Deluce, MCIP, RPP  
Supervisor, Development Reviews (ext. 224)

cc: Mr. Joseph P. Plutino, MCIP, RPP, Mainline Planning Services Inc. (email only)  
Ms. Teresa Gray, MCIP, RPP, Region of Niagara (email only)  
Ms. Lee Ann Hamilton, NPCA (email only)  
Mr. Darren MacKenzie, C.Tech, rcsi, NPCA (email only)  
Mr. Steve Miller, P. Eng., NPCA (email only)

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## APPENDIX 3



### Planning and Development Services

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

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-641-5208

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

April 13, 2017

#### VIA EMAIL ONLY

Files: D.11.01.SD-16-058  
D.10.01.OPA-16-021  
D.18.01.ZA-16-111

Ms. Kira Dolch, MCIP, RPP, CNU-A  
Associate Director, Planning and Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON  
L2A 2S6

Dear Ms. Dolch:

**Re: Regional and Provincial Review Comments  
Fort Erie Hills Draft Plan of Subdivision  
Official Plan Amendment & Zoning By-law Amendment  
87 Crooks Street and 0 Thompson Road, Town of Fort Erie**

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A pre-consultation meeting was held on March 10, 2016 at Town Hall in Fort Erie with Town, Niagara Peninsula Conservation Authority (NPCA) and Regional staff along with the agent and owner for the subject property. Regional Development Services staff has reviewed the revised Draft Plan of Subdivision prepared by Holstead & Redmond, Ontario Land Surveyors, dated September 13, 2016 and received by the Niagara Region on April 4, 2017. The revised plan proposes the creation of lots/blocks for 909 dwelling units and includes 3 blocks for environmental protection, 1 block for stormwater management, 1 block for a sewage pumping station, 1 block for a pedestrian path and a block for parkland on 34.17 hectares of land located on the west side of Crooks Street, west of Thompson Road and north of Phipps Street in the Town of Fort Erie.

The proposed Official Plan amendment is to re-designate the areas that are identified as developable through the Environmental Impact Study to Low Density Residential, Medium to High Density Residential and Core Mixed Use. The zoning by-law amendment application proposes to change the zoning on the lands to permit single detached dwellings, semi-detached dwellings, townhouses, apartments and mixed use buildings with local commercial type uses. The following Provincial and Regional comments are provided to assist the Town in considering these applications.

#### Provincial and Regional Policy

The subject land is located within a Settlement Area under the Provincial Policy Statement (PPS) and is designated Greenfield under the Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The land is within the Urban Area of the Town of Fort Erie as designated within the

## **APPENDIX 3**

Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development and developments that contribute to the overall goal of providing a sufficient supply of housing that is affordable, accessible and suited to the needs of a variety of households and income groups in Niagara. The proposed development will contribute to the mix of housing types within the neighbourhood and will add local serving commercial uses.

In accordance with current Provincial and Regional policies a combined gross density target of 50 people and jobs per hectare is required across all Designated Greenfield Areas. The proposal yields a density of approximately 84 residents and jobs per hectare, which conforms to Provincial and Regional policies.

### **Change of Use**

The Province's brownfields legislation/regulation requires that any change to a more sensitive land use (golf course to residential) would require the filing of a Record of Site Condition (RSC) on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended. A condition with respect to the filing of a RSC is included in Appendix 1.

### **Land Use Compatibility**

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of Environment and Climate Change (MOECC) Land Use Planning Policy guidelines (the guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Guideline D-1 "Land Use Compatibility Guidelines" and Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" were considered in the review of this application. The MOECC's Publications NPC-300 "Environment Noise Guidelines" is discussed in the next section of this letter under Noise Impacts.

The proposed residential use is considered a 'sensitive land use' as outlined in the guidelines. The proposed subdivision is located within an area that includes lands zoned for industrial uses as follows:

- South-Industrial (IN)
- West- Dry Industrial (DI)

The Planning Justification Report, prepared by Mainline Planning Services and dated September 15, 2016 submitted with the applications is based on the original draft plan proposing 769 dwelling units. A revised draft subdivision plan was received by the Niagara Region on April 4, 2017 showing 909 dwelling units and the removal of one of the stormwater management pond blocks, which is now being proposed for future residential development. The lands to the west of Thompson Road (currently vacant) and to the south of Phipps Road are designated and zoned for industrial uses in the Town's Official Plan and Zoning By-law. The introduction of sensitive land uses, such as residential subdivisions, in proximity to industrial

## **APPENDIX 3**

uses or areas designated for industrial use can create incompatibility issues related to noise, odour, and dust. The Ministry of Environment and Climate Change's (MOECC) Guideline D-6 generally sets out the requirements for establishing sensitive land uses adjacent to industrial facilities and vice versa. The guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour dust, etc., either through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation. MOECC guidelines recommend a "worst case scenario" assessment for vacant industrial land for which the area is committed based on the permitted uses in the Zoning By-law. Potential influence areas of industrial land uses can range from 70 metres for a Class I industry, 300 metres for a Class II and 1000 metres for a Class III industry. Normally, land use compatibility studies are required to address impacts resulting from industrial operations on sensitive uses within these influence areas.

As provided in the Planning Justification Report there are existing sensitive land uses to the south of Bowen Road, to the north of Bowen Road North and along Phipps Street. Therefore the type of industrial land uses permitted on the vacant lands should be limited to Class 1 uses, which would not impact the proposed residential development including the blocks identified as Blocks 41 and 112 as the separation distance 20 metres is met. Some of the lands are within the 70 metre potential influence area and therefore a warning clause for all lots/block proposed for sensitive uses is recommended to be included in the subdivision agreement as outlined in Appendix 1.

### **Noise Impacts**

An Environmental Noise Impact Study, prepared by dBA Acoustical Consultants Inc., and dated January 2017, was submitted with the applications. The noise study was prepared based on an earlier version of the draft plan. Niagara Region requested the noise study to address mitigation of any noise impacts from the nearby CN rail and from vehicular traffic from Phipps Street (Regional Road 21). A revised study was forwarded by the Town on April 7, 2017, identifying the specific blocks requiring central air conditioning. The study concludes that the following noise control measures or equivalent are required to satisfy the indoor and outdoor noise criteria:

- Specific double-glazed acoustically tested windows for living rooms and bedrooms as provided in Table 9 of the study.
- Provisions for central air conditioning for Blocks 30, 31 and 32 as shown in Figure 3 of the study.
- Warning clauses registered on title as provided in Section 4.3 of the study.

In order to ensure that these requirements are met, Regional staff recommends that a clause, as outlined in Appendix 1, be included in the subdivision agreement.

### **Archaeological Resources**

Based on Ministry of Tourism, Culture and Sport screening criteria, the subject lands exhibit potential for the discovery of archaeological resources due to their proximity to a watercourse on the subject lands. Proximity to water sources is an important indicator for determining archaeological potential. In addition, the subject lands appear to be identified in the Town's Cultural Heritage Archaeological Potential zone as having archaeological resource potential.

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A Stage 1 Archaeological Assessment, prepared by Archaeological & Cultural Heritage Services and dated May 4, 2016, was submitted with the applications. The recommendations of the study include that a Stage 2 archaeological assessment be carried out.

Further, the study provides that that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials being found. Regional staff recommends the inclusion of a standard archaeological clause in the subdivision agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

Conditions for the completion of the Stage 2 archaeological assessment and the inclusion of a warning clause are included in Appendix 1.

### **Natural Heritage**

The Region's Core Natural Heritage Mapping identifies Environmental Conservation Areas (ECAs) associated with a Valley Shoreline Buffer along the watercourse and Significant Woodlands as well as an Environmental Protection Area (EPA) associated with Provincially Significant Wetlands on the property. The watercourse on the property is identified as a Type 1, Critical Fish Habitat. Furthermore, the Niagara Peninsula Conservation Authority (NPCA), through its work on Drinking Water Source Protection Planning has identified the subject lands as being located within a HVA area.

An Environmental Impact Study, prepared by Dillon Consulting and dated August 2016, was submitted with the applications. The report recommended a number of mitigation measures to minimize any impacts associated with the development. In accordance with the Memorandum of Understanding (MOU) and the protocol between the Region and the NPCA, the NPCA is responsible for the review and comment related to impacts on the natural environment on all planning applications to ensure the proposed development will not have any significant negative impacts on the natural environment. Please refer to the comments from the NPCA for any concerns or requirements with regard to the Region's environmental policies.

### **Sanitary Sewer Servicing Proposal**

Regional staff has reviewed the Fort Erie Hills Functional Servicing Report, prepared by TMIG and dated March, 2016. The report is proposing that the subdivision be serviced by gravity sewers to a new pumping station located on the east side of the creek on its own block (Block 114 – as shown on revised draft plan received on April 4<sup>th</sup>, 2017) and the proposed forcemain would outlet to the existing municipal 450mm D sewer on Bowen Road.

Town Planning staff has advised they will be recommending that the eventual ownership and operation of the pumping station and associated forcemain be transferred to the Niagara Region. Regional staff has also reviewed the recently completed Bridgeburg Wastewater Servicing Strategy Final Draft Report (Parsons, November 2017) prepared for the Town of Fort Erie. Staff notes that at the time of the review of this subdivision, Regional staff had not received the final Bridgeburg Wastewater Servicing Strategy Final Report recently submitted to Town Council on March 20, 2017. The Parsons Report included this development area and had recommended that this area could be serviced by gravity to the Frenchman's Regional Trunk Sewer. The report also identified the area to the north of this development as being potentially developable. Regional staff has completed a cursory review of the subject area and have noted there is additional area to the west that is within the urban area that could be serviced as

### **APPENDIX 3**

well. Based on this new proposal for a Regional pumping station and forcemain and the Region's desire to minimize the number of pumping stations and forcemains due to long term operating and maintenance costs associated with them, the Region will require that a comprehensive study be completed to ensure that all areas identified, including the additional area to the west, can be serviced by gravity to the existing trunk sewers or by gravity to the proposed pumping station.

The Region has also completed an update to the Sewage Pumping Stations and Forcemain Policy so that lifecycle costs are also to be evaluated through a servicing study. The policy is attached for your information and use. In addition, the Region requires the Regional trunk sewer be included in the analysis of the overall system to ensure that the Regional sewers have capacity to accommodate the flows proposed from the new pumping station and forcemain.

A condition of draft plan approval has been added to Appendix 1 to assure that the comprehensive sanitary sewer servicing study, including all of the potential development areas identified above and the life cycle costs have been evaluated for all options and the overall system design/capacity has been submitted to the Niagara Region for review and approval prior to the start of sanitary sewer system detailed design.

In order for the pumping station and forcemain to be assumed by the Region, in the future, the current design standards for a Regional Pumping Station will need to be followed. In addition, Regional staff will have to be engaged during the design process. Regional staff must review and approve the final design of the pumping station and forcemain prior to submission by the developer to the Ministry of the Environment and Climate Change Approvals.

Further, the Niagara Region will only assume the station if the requested conditions of draft plan of subdivision are incorporated into the approved draft plan conditions and the Region's policy regarding assumption items has been completed. Furthermore, a condition requiring that the development be at 50% build out prior to assumption to ensure that the pumping station is operating in accordance with the proposed design and no additional infiltration is being received by the station has been added to Appendix 1. The current Regional design standards are attached for the developer's consultant to use.

Regional staff has reviewed the revised draft subdivision plan received on April 4, 2017, and note that the proposed block for the pumping station (Block 114) does not meet the minimum land requirements of 40 metres by 40 metres (refer to Niagara Region Water & Wastewater Project Design Manual). As the current revised subdivision plan now shows that Block 19 will be developed and no longer be a Town owned block, Regional staff engaged Town staff to determine the best way to accommodate a future change in the size of the pumping station block (Block 114). Regional staff suggested the pumping station could be moved to the west stormwater pond which would have several benefits such as further distance from future residential units, no gravity sewer under the creek and the land could be accommodated on a Town owned block which would not require a red line revision to the plan in the future once the land requirements were determined.

Based on the proposed location of the pumping station block, Regional staff is concerned with the future residential blocks that are proposed abutting the proposed station (Block 19) and across Street F (Block 18) in the recently submitted revised plan. Since it is unknown as to when these properties will be developed, a holding provision should be placed on the two future residential blocks (Block 18 and 19) to ensure that at the time of development the required air

## **APPENDIX 3**

quality and noise studies have been completed and any required mitigation measures are put in place to ensure that the future residents are not impacted by the proposed pumping station operations (i.e. odours from building vents and noise from the on-site emergency generator). As indicated at the pre-consultation meeting in March 2016, stationary noise and air quality impacts studies will require a peer review, at the cost of the owner.

### **General Servicing**

There are currently no municipal services in the area for the proposed development. Servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of water, sanitary and storm services to the proposed lots/blocks. As a condition of draft plan approval, the Region must review and approve any new/extended sewer services under the MOECC's Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. The developer is advised that any stormwater management approvals and pumping station/forcemain approvals will require direct application and approval from the MOECC. If the developer prefers all applications can be submitted directly to the MOECC office, however, Regional staff would request that a copy of the application letter and the final ECA be submitted to the Region as a condition of draft approval.

Further, there is an existing 500mm diameter Regional sanitary forcemain along Bowen Road North and Thompson Road. There shall be no connection to the forcemain nor should the line be disturbed during any development of the property/road.

The appropriate conditions of draft approval are included in Appendix I to address the servicing of this development.

### **Regional Road Allowance**

The subject property has frontage along Regional Road 21 (Phipps Street) along Blocks 112, 95, 94, 23, 113 and 22. A road widening has been shown on the plan as Block 120; however, this block width exceeds the width required by the Regional Official Plan. An irregular road widening of approximately 1.90 metres from the southeast corner of Block 22 and tapering westerly approximately 190 metres across the road frontage of the subject property is required in order to achieve the required 10.05 metre right-of-way from the centerline for this road section. The Region will accept Block 120 as illustrated if the developer wishes to provide the additional width.

The widening is intended to accommodate future pavement widening and to provide sufficient boulevard area for an alternative alignment for sidewalk, utilities, snow storage, and tree plantings. The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances. The widening is to be described by Reference Plan which will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant should arrange for the land surveyor to submit the draft undeposited reference plan, along with all related documents to the Regional Surveys Manager for approval. The Regional Surveys Manager will advise the land surveyor of any required revisions to the plan before it is deposited and the transfer registered.



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Regional Contact information in this regard is as follows:

Norma Price, Law Clerk, Corporate Services, (905) 980-6000 extension 3339. E-mail [norma.price@niagararegion.ca](mailto:norma.price@niagararegion.ca) (Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Regional Surveys & Property Information, (905)980-6000 extension 3325, E-mail: [normans.taurins@niagararegion.ca](mailto:normans.taurins@niagararegion.ca)

### **Pedestrian Traffic**

The plan indicates blocks for pedestrian paths between the parcels separated by the environmental protection area blocks and future development blocks. One of these paths, shown as Block 113, intends to permit pedestrian traffic onto Regional Road 21 (Phipps Street). In order to accommodate this path, the Town of Fort Erie has expressed interest in having a sidewalk from this point on Phipps Street easterly to Dodd's Way as per the plan submitted by the Town. In order for this sidewalk to be designed, the road allowance between the existing lots on Phipps Street and the proposed path will be required to have a clear zone (distance from the edge of the travelled road to the sidewalk). If this is not achievable, there may be a requirement to urbanize the road to obtain the clear zone and provide a safe environment. Any urbanization will be at the developer's cost. The sidewalk must be completed in accordance with the Town's requirement. However, based upon this information, conditions will be needed for the proposed sidewalk design to be submitted for review and approval by Niagara Region. Additionally, any proposed road work required for the sidewalk design will require that the developer enter into a legal agreement with the Region and post letters of credits to ensure that the work is completed to the Region's satisfaction. A condition of draft approval is included in Appendix I.

### **Traffic Impact Study**

Regional Transportation staff has reviewed the Traffic Impact Study, prepared by Mark Engineering and dated March, 2017, and have several detailed comments on the report which are outlined in Appendix 2 of this letter. The Region will require that a revised TIS be submitted for review and approval. This study indicates some improvements to the intersection of Phipps Street (RR 21) and Dodd's Way that will be a requirement of the development. However, there are other improvements that are mentioned but not defined in the study and are noted as to be monitored. These improvements should be described in the report. Conditions of draft plan approval have been included in Appendix 1 to address the requirement for a revised TIS, design and associated costs with the required left turn lane at Phipps Street (RR 21) and Dodd's Way and the monitoring that needs to be completed in accordance with the TIS recommendations at Bowen Road and Thompson Road and Thompson Road and Phipps Street.

### **Regional Boulevard Trees**

If there is any removal of trees on the Regional road for the development, the applicant is advised that no one, other than the Regional tree crew, shall remove a tree from a Regional road allowance. It is the Region's intent to preserve any healthy trees within the road allowance and the Region may require changes to a proposal in order to preserve the tree(s). Where development proposals require the removal of a tree, the developer is required to replace the tree with two trees at the developer's cost. A condition is included in Appendix 1 in this regard.

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### **Regional Permit Requirements**

Prior to any work or entrance construction taking place within the Regional road allowance, a Regional Construction and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. A condition of draft plan approval is included in Appendix I. Applications can be made through the Region's website using the following link:

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

### **Protection of Survey Evidence**

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Regional staff request that any 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. A condition is included in Appendix 1 in this regard.

### **Waste Collection**

Niagara Region provides for curbside waste collection provided the developer/owner complies with the Niagara Region's Corporate Policy for Requirements for Commencement of Collection for New and Redevelopments (C3.007). A key element for garbage collection is that the site roadway system be adequate for waste collection vehicles to access the site and then leave the site without the need to back out of the roadway. A copy of the above referenced policy has been attached for your reference.

The plan indicates drive-through streets for the majority of the development which would allow for Regional waste collection. Staff notes that the design of the easterly end of Street A may not meet the Region's requirements waste collection. However, Niagara Region notes that should drive-through service not be available due to any staging of the development, the developer will be required to provide temporary turnarounds on the property for Regional waste collection vehicles to be able to service the residents of the development until such time as a drive-through street is constructed. Should no drive-through street or temporary turnaround be constructed, the developer shall confirm that waste collection will be their responsibility. A condition is included in Appendix 1 in this regard.

### **Conclusion**

Regional staff supports the approval of the proposed draft plan of subdivision, the Official Plan amendment and the zoning by-law amendment from a Provincial and Regional perspective subject to the comments of the NPCA and the inclusion of conditions of draft approval as set out in Appendix 1 and subject to any local planning requirements/concerns.

Regional staff notes that the current plan proposes 909 dwelling units whereas as the original plan proposed 769 dwelling units. Therefore, all revised and new studies will need to be based on the most recent plan.

Regional staff has reviewed the draft Official Plan amendment forwarded by email by the Town on April 13, 2017. Given the site specific nature of these applications the proposed Official Plan amendment is exempt from requiring Regional Council approval in accordance with the

### **APPENDIX 3**

Regional Official Plan and the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.

If you have any questions or wish to discuss these comments, please contact me at extension 3430 or Pat Busnello, Manager Development Planning, at extension 3379. Please send a copy of the staff report and notice of the Town's decision on these applications.

Yours truly,

Teresa Gray, MCIP RPP  
Senior Development Planner

Attach: Appendix 1 - Conditions of Draft Approval  
Appendix 2 – Detailed Comments on Traffic Impact Study  
Water-Wastewater Project Design Manual  
Pumping Station Policy  
C3.007 Waste Management Policy

cc: Mr. D. Deluce, MCIP, RPP, Supervisor, Development Reviews, NPCA  
Mr. P. Busnello, MCIP, RPP, Manager Development Planning, Niagara Region  
Ms. S. Dunsmore, P. Eng., Development Engineer, Planning & Development Services, Niagara Region  
Mr. N. Taurins, Manager, Regional Surveys & Property Information, Niagara Region  
Ms. N. Price, Law Clerk, Corporate Services, Niagara Region

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## **APPENDIX 3**

### **APPENDIX 1**

#### **Required Conditions of Draft Approval for Fort Erie Hills Subdivision, Town of Fort Erie**

1. That the owner submits a written undertaking to the Niagara Region that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
2. That the owner submits a written undertaking to the Niagara Region that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this 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 Town of Fort Erie.
3. That the owner provide a detailed servicing study which shall include, overall servicing strategy for the developments in the area, detailed plan and profile drawings and required Regional costs analysis information, to ensure that all development in the area can be serviced by gravity to the trunk sewer or by gravity to the proposed pumping station. The servicing study shall be reviewed and approved by the Niagara Regional prior to the design of the future Regional pumping station.
4. That the owner complies with the Regional Design standards for a pumping station and forcemain, engage Regional staff in the design works and receive Niagara Regional approval prior to submitting applications for Environmental Compliance Approvals to the MOECC.
5. That the owner transfer the pumping station land block to the Niagara Region once the proposed size of the block has been reviewed and approved by Regional Staff. The minimum land block required will be 40m x 40m.
6. That the subdivision agreement between the developer/owner and the Town of Fort Erie contain a clause that the assumption of the pumping station and forcemain will not occur until all the Regional conditions and policy conditions are completed as well as the subdivision has reached 50% of the build-out and Niagara Region has reviewed and approved the information provided.
7. That a holding provision be placed on Blocks 18 and 19, which are proposed for future residential development, until the required air quality/noise studies are completed to address any negative impacts (including from the emergency generator) from the proposed pumping station to the satisfaction of the Niagara Region. The Region will require a peer review, at the cost of the owner, for the air quality and stationary noise study. Further, that the subdivision agreement between the owner and the Town include:
  - a) Provisions whereby the owner agrees to implement the approved air quality and noise control mitigation measures.
  - b) Provisions for a warning clause to the Region's satisfaction and that the warning clause be inserted in all Agreements of Purchase and Sale or Lease advising of potential noise and odour impacts from the sewage pumping station.



Town of  
Fort Erie  
**Our Focus: Your Future**

## MINUTES

### Fort Erie Active Transportation Advisory Committee

#### Meeting Date, Time, and Location

Tuesday December 13, 2016 at 5:30 pm at Town Hall, Committee Room 1

#### Members Invited:

##### Committee Members

Dennis Hernandez-Galeano, *Chair*  
Tracey Calder Rosettani, *VC*  
Dan Andrews  
Oliver Carthew  
Luisa Maria Galeano de Hernandez  
Gary Sherk  
Ross McLean (*Regrets*)  
Councillor Passero (*Regrets*)

##### Staff Resources

Chris Millar, *Neighbourhood Planner,*  
*Recorder*

#### 1) Call to Order

The meeting was called to order at 5:48pm.

#### 2) Approve Agenda

The Chair sought confirmation of the Agenda. No changes or additions were requested.

Resolution No. 31/16

Luisa Maria Galeano de Hernandez (LH) and Tracey Calder Rosettani (TCR)

**THAT:** The FEAT Agenda for the December 13, 2016 meeting be accepted.

**(CARRIED)**

#### 3) Declaration of Conflict of Interest

none

#### 4) Adoption of the Fort Erie Active Transportation Minutes of 15<sup>th</sup> November, 2016.

Resolution No. 32/16

TCR and Gary Sherk (GS)

**THAT:** the Minutes of the Fort Erie Active Transportation Committee meeting of November 15, 2016 be accepted.

**(CARRIED)**

#### 5) Business Arising from Minutes

1. Bike Friendly Designation – Gary Sherk provided the Committee with his efforts. He commented that one of the supporting businesses had recently closed its doors and was at

## APPENDIX 3

a key location next to the trail. He also indicated that other community members (in Crystal Beach) are promoting the Bike Friendly Designation of their own accord, so to that extent, it is good that others are seeing the value in the program. Gary indicated that it's a slow time and particularly over the holidays, people are busy and have different priorities, but he will remain diligent and continue to promote / recruit.

2. Niagara Circle Route and Sesquicentennial – Item deferred in the absence of Councillor Passero, who had been making arrangements with the Fire Chief. FEAT can seek an update at the next meeting.
3. Accessibility Advisory Committee (AAC) Invitation – Item was remnant from prior meeting and should have been deleted. No action or discussion required.
4. Waverly Beach Restroom Closure Dates and Notices – Chris reviewed his discussions with the Manager of Parks and Facilities regarding the seasonal closing dates, which based on several different factors annually, dictate when any particular facility may be scheduled for seasonal closure. Signing with firm dates simply wasn't feasible. The Committee felt there could still be some form of information to advise trail patrons, even if it was to advise that the facility was a seasonal facility, but maybe also have a sign stating “closed for the season” placed on the building in clear view of the trail, once they have come to shut it down. CM advised he would convey the idea to the Manager of Parks and Facilities.
5. Fort Erie Hills Draft Plan of Subdivision – Chris Millar (CM) advised the Committee that their comments on the Plan gathered at the previous meeting were supplied to the Manager of Development Services, who took them under consideration. A sketch showing the probable sidewalk locations of the development was reviewed by the Committee that CM acquired from the Development Team. It was showing some of the connections to Phipps Street, which were suggested by FEAT. At this time, however, Phipps is planned for only partial sidewalks but they do feed into, and throughout, the proposed subdivision. A central trail would connect the east and west sides of the development crossing over the creek. Sidewalk is also planned for the entire length of the future Bowen Road connection from Thompson Road right through to Crooks Street.

CM also apprised FEAT of the information received from the Transit Coordinator at the Town concerning FEAT's desire to ensure Transit service was planned for the new development, considering there were plans for considerable density on the site. CM read correspondence received, which confirmed transit access would be available on the perimeter streets and could be accessed via Crooks Street @ Highland, Phipps Street @ Crooks Street and Phipps @ Dodds Way.

6. Provincial CycleON Commenting – CM advised the Committee that the submission was successfully submitted to the Province following Council's endorsement. CM will advise on any future updates as they become available.

### 6) **New Business**

1. Volunteer / Member Recognition – (CM) spoke to the Committee about the Town's efforts to acknowledge and thank the many volunteers such as themselves. CM indicated that the

Town does not take anything for granted when it comes to their service and desire to find a suitable means to thank members. CM polled the Committee for ideas on how they felt about recognition and tokens of appreciation. The members indicated strongly they were not in it for recognition, but simply to make a difference and to see their efforts turn into results. CM advised that despite their modest position, the Town may still make efforts to acknowledge their service as it is that important to show our appreciation.

2. Pelham AT Master Plan – CM asked the Committee if anyone had made note of the Town of Pelham media article regarding their Council's endorsement/adoption of a Town Active Transportation Master Plan. CM passed around the newspaper clipping and said this was a good example of the direction FEAT took when preparing their Strategic Master Plan. CM commented this would be a good reference document once the Town completes the Parks and Open Space Master Plan and FEAT began lobbying Council for an AT Plan for Fort Erie. The cost was cited at \$30,000, so it at least gives some indication on the costs associated with a Plan's preparation. Members expressed interest in acquiring a copy of the Pelham Plan. CM advised he would acquire a copy, hopefully a digital copy to circulate to members.
3. AAC Committee Member Comment – CM conveyed an Accessibility Advisory Committee member's comment to CM at their meeting in November concerning a recent study that indicated that AT and cycling had seen a decline. CM conveyed to the member at their meeting that he was unaware of any recent study but would look into it. CM went on to say he has seen nothing but studies that promoted AT for financial, capital and health reasons and had not seen any studies that countered the movement. CM advised of the recent submission to the Province, who were seeking to invest millions in cycling infrastructure as a sign of positive steps forward and would opt to stay focused on elevating AT as an equally important mode of transportation and to provide for safe AT in the public domain, most notably within the right-of-ways. CM advised he would bring the comment to the attention of the FEAT Committee. CM also advised FEAT that following searching the internet, he did not come across any recent studies completed in the negative vain. There were older studies that drew attention to the cost being a deterrent and constraint, but nothing that spoke to recent declines in AT participation.
4. Walk-ability Checklist – CM advised Committee that someone from the Ridgeway Festival had taken the time to complete the walkability checklist and submitted it to the Region. The submission highlighted Helena Street as being a stretch of roadway that was not AT friendly. Safety and vehicle speeds were noted together with a lack of infrastructure. The submission sought to have a bike lane and/or sidewalk identified as being needed. Albert and Dominion Road in this vicinity were also identified in similar vain. The poster also indicated a lack of benches and garbage can along roadways which results in people throw litter and trash into the ditches. The submission also mentioned lack of initiative to choose AT because Fort Erie is so spread out. A comment that persons even have to drive to places to walk their dogs because roads lack sidewalks. CM advised the Committee the Regional rep had forwarded on the comments for FEAT's awareness.

5. Member Resignation – CM advised the Committee that he had received a resignation letter from long-time member Jessica Carthew. Sadly, Jessica's ability to manage all of her commitments had stretched her time too thin and she needed to make adjustments. CM reminded Committee that Jessica had been instrumental to FEAT, having championed a number of initiatives and activities, while also having been the Committee's Recorder for many years. Members expressed sadness over Jessica's resignation and wanted to make sure their appreciation was conveyed to her. CM suggested a letter for the Chair's signature be prepared to send on to Jessica, conveying many thanks and much gratitude, and wishing her all the best. CM noted that Jessica's son Oliver will be remaining with the Committee, so Jessica will have close tabs on our activities.

7) **Enquiries by Members**

1. DA indicated that while not really an enquiry, he had been thinking about the QEW crossing issue that FEAT were involved with commenting on. DA felt that perhaps if the MTO were to be pursuing any attempts at removing the concrete bridge structures, that perhaps large culverts be used to maintain the crossing. DA thought this would be less costly in the long run, if capital replacement or ongoing maintenance was truly their concern. CM indicated that since the MTO had backed down, that perhaps they have recognized the Ministry of Municipal Affairs, through the Provincial Policy Statement which identified these exact scenarios, and that they needed to be protected, they have fallen in line with preserving the crossing. CM said if they should ever raise the issue again, then it could be explored, but for the time being, they were planning to leave and maintain them. Also, they are MTO's structures and not the Town or Region's. They are within the MTO's right-of-way and theirs to maintain. CM felt that once the new Parks and Open Space Master Plan is completed, it will identify the link, further solidifying its barrier (the highway) crossing significance once and for all.

8) **Next Meeting**

The next meeting of FEAT will be held on **Tuesday, January 17, 2016 in Committee Room 1, Town Hall at 5:30pm.**

9) **Adjournment**

Resolution No 33/16  
Oliver Carthew – Dan Andrews

**THAT:** The meeting does hereby adjourn at 7:05 p.m.  
**(CARRIED)**

Minutes recorded by:

Chris Millar

Minutes approved by:

Dennis Hernandez-Galeano



## APPENDIX 3



**Town of  
Fort Erie**

### MINUTES

## **ENVIRONMENTAL ADVISORY COMMITTEE**

#### **Meeting Date, Time, and Location**

5:30 PM, January 18, 2017 – Town Hall, Conference Room 3

#### **Members**

Present:, Matt Kernahan, Senior Development Planner, Dr. Richard Stockton, Tim Seburn, Frank Raso, Brie Smalldon, Councillor Lubberts, Shannon Larocque and Gary Sherk.

Regrets: Nadine Litwin

#### **Call to Order**

S. Larocque called the meeting to order at 5:35 PM.

#### **Declaration of Pecuniary Interest and General Nature**

None.

#### **Adoption of Minutes – November 16, 2016**

A motion was put forward by R. Stockton and seconded by G. Sherk to adopt the minutes. (CARRIED)

#### **Fort Erie Hills Subdivision EIS**

The Committee reviewed the EIS in the context of the EAC EIS Checklist.

A motion was put forward by B. Smalldon and seconded by T. Seburn that the Committee supports the recommendations of the EIS and accepts the EIS as submitted. (CARRIED)

#### **EC Overlay Removal – 3393 Grove Avenue**

The owner of the property submitted a request to have the Provincially Significant Wetland boundary modified on the property to the Ministry of Natural Resources (MNR). The MNR modified the boundary and to the extent that there is no longer any Provincially Significant Wetland on the property. There remains a portion of the site covered by EC overlay. The owner would like the EC overlay removed to permit the construction of a single detached dwelling.

### **APPENDIX 3**

Members of EAC visited the site on December 10, 2016. A very large and old Blue Beech tree was observed at the rear of the property. The Committee and the owner agreed that steps should be taken to preserve the tree.

A motion was put forward T. Seburn and seconded by R. Stockton that the EC overlay on the property should be modified to cover the southernmost 7.0 m of the property only and be removed from the balance of the property in order to ensure the preservation of the Blue Beech tree. (CARRIED)

#### **Presentation to Council/EAC Brochure Update**

N. Litwin provided an email to the Committee with some considerations for the upcoming presentation to Council. The following summarizes the Committee discussion on the email:

- The presentation should be approximately 10 minutes long
- The presentation should include an introduction to the Committee members. A group photo will be taken at the next site visit. Group members are to provide a very brief (i.e. under 4 sentence) bio to M. Kernahan before the next Committee meeting for inclusion in the presentation.
- The presentation should include information on what the Committee does, including EC overlay removal and a note that the Committee does not establish EC overlay in the first place.
- The presentation should convey the message that EAC is a utility to the Town that can be engaged to assist. EAC has a significant educational function. It should be conveyed that EAC is not anti-development.
- The presentation should include information on the successes of the Committee (i.e. Rio Vista Golf Course EIS/Development).
- Slides should include positive things the Committee has accomplished in addition to the typical things.
- A 1 page brochure on the Waverly Beach issue/project should be completed to hand out as a take-away from the presentation.

Committee members are to prepare for the next meeting by:

- Sending their bio to M. Kernahan before the meeting
- Coming prepared to offer input into slides regarding the successes of the Committee
- Coming prepared to provide comments on draft slides.

N. Litwin to prepare Draft Slide comment for review at next Committee meeting. M. Kernahan to bring projector and laptop so slides can be edited at the meeting.

#### **EC Overlay Removal Request – NS Garrison Road, west of Ott Road**

It was agreed that the Committee will consider this matter at a weekend site visit.

#### **Enquires by Members**

T. Seburn suggested that the Committee should review the metrics of their activities (i.e. how many EIS', how many EC removal requests etc.) at a future meeting.

## **APPENDIX 3**

The status of ID cards was questioned. M. Kernahan to get the remaining photographs at the next site visit meeting and have ID cards made.

### **Next Meeting – February 12, 2017 (site visit)**

It was agreed that Sunday site visits are preferable to Saturday ones. The next meeting is tentatively scheduled for Sunday, February 12, 2017 at the lot on the north side of Garrison Road, west of Ott Road.

### **Adjournment**

A motion was put forward by R. Stockton and seconded by T. Seburn to adjourn the meeting at 6:45 PM. (CARRIED)

Minutes prepared by:

Minutes approved by:

Matt Kernahan  
Senior Development Planner

Shannon Larocque, Chair

## APPENDIX 3



### DISTRICT SCHOOL BOARD OF NIAGARA

191 CARLTON ST. • ST. CATHARINES, ON • L2R 7P4 • 905-641-1550 • DSBN.ORG

January 10, 2017

Kira Dolch, MCIP, RPP, CNU-A  
Manager of Approvals  
Community & Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

**RE: Fort Erie Hills  
Draft Plan of Subdivision and Zoning By-law Amendment  
File No. 350308-0120 & 350309-0416**

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Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment. The purpose of the applications is to facilitate the redevelopment of the Rio Vista golf course to a residential subdivision. The Draft Plan of Subdivision proposes 53 single detached dwellings, 46 semi-detached dwellings, 206 street townhouses, and 464 medium density residential units on a 34.17 hectare site. The proposed Official Plan Amendment and Zoning By-law Amendment will redesignate and rezone the subject lands to permit the uses proposed within the Draft Plan of Subdivision.

DSBN Planning staff has completed its review and has no objections to the application. Board staff does request, however, that as part of the development of the subdivision sidewalks be constructed along all collector streets to facilitate student travel to the school/bus stop locations.

Currently, students from this area would attend Peace Bridge Public School (Gr. JK-8), and Fort Erie Secondary School (Gr. 9-12) until June 30, 2017. As of September 5, 2017, students from this development will attend Peace Bridge PS (Gr. JK- 8), and the Greater Fort Erie Secondary School (Gr. 9-12).

If you have any questions free to contact me at ext. 54225.

Yours truly,

A handwritten signature in black ink, appearing to read 'Sue Mabee', is written over a horizontal line.

Sue Mabee, MCIP, RPP  
Supervisor of Planning