

**Agency Comments – 9 & 11 Kerman Avenue**

**Grimsby Planning Department – January 14, 2022**

Comments	Consultant	Response
<p>Planning staff have reviewed the application and offer the following comments:</p> <ol style="list-style-type: none"><li>1. Please specify whether the garages for each unit will be 1 or 2 car garages.</li><li>2. Provide the width of the driveways.</li><li>3. Regarding the Sumac Court extension/cul-de-sac shown on the Preliminary Site Plan, staff have concerns about the number of driveways (5) and 2 condo road intersections along the cul-de-sac, and the potential safety issues of residents backing out of their driveways with the current configuration. A reconfiguration should be looked at to mitigate through-traffic speeds and for safety entering the cul-de-sac.</li><li>4. Regarding the 2 lots fronting Kerman Avenue, although there is a vacant lot to the north of 11 Kerman Avenue, it is recommended that the front setbacks of the proposed dwellings be maintained to match those on the west-side of Kerman Avenue.</li></ol>		<ol style="list-style-type: none"><li>1. All garages have been designed for 2 vehicles. Garages on Lots 2-16 and 21-44 have a typical size of 5.64m x 6.32m, and Lots 17-20 have a typical size of 5.21m x 6.32m.</li><li>2. Typical driveway widths have been added to the Preliminary Site Plan drawing. Lots 2-16 and 21-44 have a typical width of 4.78m, and Lots 17-20 have a typical width of 4.17m.</li><li>3. The proposed design has been modified to reorient Lots 46 &amp; 44 (formerly 46 &amp; 47) so the units and driveways face the internal private road, and the driveway for Lot 13 (formerly 16) has been rotated slightly so that it is only one-car width at the street curb and widens to a two-car width on the lot.</li><li>4. Lots 2, 3 &amp; 4 have been merged into one large lot facing Kerman Avenue and the proposed dwelling and zoning of RD1.25 now more closely</li></ol>

		match the existing built form in the area.
<b>Public Works – December 1, 2021</b>		
Comments	Consultant	Response
<p>The following comments require clarification prior to the issuance of Public Works Conditions of Draft Plan of Subdivision:</p> <ol style="list-style-type: none"> <li>1. The developer is proposing to divert the storm water from the subject site to Kerman Avenue, by constructing a new storm sewer system and utilizing the remaining servicing corridor within Kerman Avenue, we will require that the external storm water catchment area be included as part of the diversion and all cost associated with construction of this new storm sewer system to be borne by the developer.</li> <li>2. We are concerned with the minimal rear yard area for the proposed Units 28 to 35 inclusive. This portion of the land are likely subjected to storm water runoffs (ie. existing drainage course), and as such, the proponent must demonstrate that the existing uncontrolled storm water overland flow as well as sufficient maintenance access area (emergency) are adequately provided and detailed on plan.</li> <li>3. External drainage areas has not been adequately represented and does not reflect previous collaborations.</li> <li>4. We require additional information for the proposed quantity facility, including maintenance and cleaning procedures. Also, provide reference from the municipality where this system has been endorsed and constructed.</li> </ol>		<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. The external drainage in these areas have been accounted for in the design of the private storm sewer system and in the design of the storm sewer discharging to the school lands.</li> <li>3. Please refer to the revised drainage area plans.</li> <li>4. A brief ACO StormBrixx brochure has been included within the revised report.</li> </ol>

<p>5. Sidewalk connectivity from Linden Lane to the proposed development lands.</p> <p>6. There is an existing gravel laneway between 256 Main Street West and 258 Main Street West. It appears that this gravel driveway is currently being utilized by No. 256 Main Street West to access their garage. The developer shall clarify the future use and improvement to this laneway (ie. fencing, removals, restorations).</p> <p>7. Confirm and verify with the Town's Planning Department of the allowable use for the 2 storey Garage for No. 254 Main Street West. Such use shall also be discretized for the possibility of noise control features, to protect the proposed development.</p>		<p>5. A municipal sidewalk is shown on the south side of Sumac Court which will extend to the intersection of Linden Lane.</p> <p>6. The existing gravel driveway between 256 &amp; 258 Main Street does not provide access to the subject property. We assume the comment is intended to apply to 254 and 256 Main Street where there is an existing gravel driveway that provides access to the subject lands and appears to also be used by the owner of 254 Main Street.</p> <p>254 Main Street has a gravel driveway on the east side of their property and any access to their property must come from this driveway.</p> <p>The gravel access between the two properties will be removed as part of this development and replaced with a private walkway connecting the development with the municipal sidewalk on Main Street.</p> <p>7. 254 Main Street is zoned MS.15 which only permits the use of the lands for a Single Detached Dwelling, Bed and Breakfast, Group Home, and Secondary Suites and Home</p>
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<p>8. Provide additional topographic survey elevations and adequately demonstrate existing drainage patterns, up to and including Main Street West and Linden Lane.</p> <p>9. Show proposed snow storage areas.</p>		<p>Occupation, subject to compliance with the general provisions governing such use. In addition, an accessory garage or structure could be located on the property, but the use of such structure would have to comply with the Town's Zoning By-law.</p> <p>The regulations for a Home Occupation would only permit that use within the main dwelling, any use of the accessory structure for a Home Occupation or business would require an amendment to the Zoning By-law to permit the use and would be subject to Site Plan Control. The onus to provide noise mitigation for a legal use would fall with the property owner.</p> <p>We therefore assume that the use of the lands is compliant with the Zoning and there would be no nuisance, otherwise the Town would have to investigate to ensure compliance, or issue orders otherwise.</p> <p>8. Additional topo in these areas have been provided.</p> <p>9. Snow storage areas have been shown within the amenity areas and beside the parking area.</p>
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<p>10. Provide typical roadway cross section, including the standard utility corridor.</p> <p>11. For internal and external privacy and security, the developer shall provide buffer screening adjacent to existing lands.</p> <p>12. Proposed retaining wall behind Units 25 and 26 will hinder storm water conveyance from No. 258 Main Street West.</p> <p>13. Proposed retaining wall adjacent to the parking stalls and adjacent to Unit 35 does not provide sufficient area to construct the proposed swale system.</p> <p>14. All proposed retaining walls including the footings and subdrains shall be constructed well within the subject lands and demonstrate that the retaining walls can be maintained without encroachment on adjacent neighboring properties.</p> <p>15. Unit 23 proposed driveway access questionable.</p> <p><b>These comments must be addressed before we compose our Conditions of Draft Plan of Subdivision.</b></p>		<p>10. A typical road section has been provided on the Notes &amp; Details Plan.</p> <p>11. These details will be determined with the future Site Plan submission.</p> <p>12. Please refer to the revised preliminary grading plan.</p> <p>13. Please refer to the revised Preliminary Grading Plan. Detail/sections can be provided during detailed design.</p> <p>14. Noted.</p> <p>15. The driveway for Lot 20 (formerly 23) has been shifted slightly so that there is now a minimum of 1.5m between the driveway and the edge of the curb. This is a typical turn-around space that would be provided in a dead-end space. This is the only unit with access to this space so there is not expected to be any conflict.</p>
<p><b>Grimsby Fire – November 4, 2021</b></p>		
<p>Comments</p>	<p>Consultant</p>	<p>Response</p>

<ol style="list-style-type: none"> <li>1. Provide dimensions of the width of fire route on the drawing.</li> <li>2. Provide the turning radius for fire route on the drawing.</li> <li>3. Provide distance between hydrants within the development and Kerman Avenue.</li> <li>4. That the development / site plan agreement specifically provide for the completion and registration of the fire route including provisions for snow removal / storage prior to occupancy including the installation of all applicable signage.</li> </ol>		<ol style="list-style-type: none"> <li>1. The minimum fire route width is 6.0m and is dimensioned on the Preliminary Site Plan drawing.</li> <li>2. The minimum fire route centreline turning 13.0m and is dimensioned on the Preliminary Site Plan drawing.</li> <li>3. Given that the development is only at the function design stage to support Zoning and Draft Plan approval the final hydrant design is not known. These details will be resolved during the detailed Site Plan design stage.</li> <li>4. Noted.</li> </ol>
<b>Grimsby Power – October 12, 2021</b>		
Comments	Consultant	Response
The developer will have to enter into a sub-division agreement with Grimsby Power and retain the services of an Electrical Consultant to design / manage the expansion.		Noted.
<b>Niagara Region – October 28, 2021</b>		
Comments	Consultant	Response
Regional Development Services staff have reviewed the information and materials that were circulated for the above noted applications relating to 9 and 11 Kerman Avenue located in the Town of Grimsby. The circulation was received by the Region on October 6, 2021. The site is approximately 2.256 ha (5.575 acres) in size.		<p>We have reviewed the comments and proposed conditions of approval and there are no concerns.</p> <p>See additional responses to SWM comments below.</p>

The proposed Draft Plan of Subdivision and Draft Plan of Common Element Condominium will result in the creation of 47 units that consists of 3 single-detached dwellings and 44 semi-detached dwellings. The Draft Plan also includes an extension of Sumac Court on the west end of the subject lands, a condominium laneway that connects Sumac Court and Kerman Avenue, and a private walkway that accesses Main Street West. The concurrent Zoning By-law Amendment proposes to rezone the subject lands from “Neighbourhood Development (ND) Zone” and “Residential Detached 1 (RD1.15) Zone” to “Residential Detached 3 (RD3.50) Zone” on Lots 1 & 2, “Residential Multiple 1 (RM1) Zone” on Lots 3-18 & 20-47, and “Residential Multiple 1 (RM1.40) Zone” on lot 19. Site-specific zoning provisions are also proposed with respect to minimum / maximum yard setbacks, lot coverages, and building depths within respective zones and for specific lots.

A virtual pre-consultation meeting for these applications occurred on March 18, 2021 with Town staff, Regional staff, and the Agent in attendance. The following comments are provided from a Provincial and Regional perspective to support the Town in considering these applications.

### **Provincial and Regional Policies**

The subject lands are located within a “Settlement Area” under the Provincial Policy Statement, 2020 (“PPS”) and “Designated Built-Up Area” under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”). The PPS and Growth Plan direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types.

The PPS directs growth to settlement areas and the delineated built-up area to efficiently use existing servicing, infrastructure, and public service facilities that are planned or available. Within delineated built-up areas, the policies encourage intensification and infill in a compact form with a mix of uses and

densities at an appropriate type and scale and transition to adjacent areas that allows for efficient use of land, infrastructure and public service facilities. The policies encourage a range of housing options to meet the needs of the current and future population.

The subject lands are designated “Urban (Built-Up) Area” in the 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 and other policies relative to urban design, land use compatibility, and environmental conservation. The ROP promotes higher density development in urban areas and supports growth that contributes 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.

Regional staff have reviewed the submitted “Planning Justification Report” (“PJR”) prepared by IBI Group (dated August 20, 2021) and note that the proposed development will improve the variety of housing options (single-detached and semi-detached) within the community, as well as make better use of existing urban lands and municipal services. Additionally, the proposal represents sound planning in the form of mild intensification within the urban area that is mindful of the surrounding neighbourhood and existing urban fabric. The proposal will also support the Town of Grimsby in achieving its intensification target (80%) as set out within the ROP.

As such, staff is satisfied that the proposed development is consistent to the PPS and conforms to Provincial and Regional growth management policies.

### **Site Condition**

At the March 18, 2021 pre-consultation meeting, Regional staff informed the applicant that a land use change to a more sensitive use (from agricultural / greenhouse / industrial uses to residential uses) requires that a Record of Site Condition (“RSC”) be filed with the Ministry of Environment, Conservation and



Park's ("MECP") Brownfields Environmental Site Registry in accordance to the *Environmental Protection Act*, as amended.

Regional staff have reviewed the submitted "*Phase One Environmental Site Assessment*" and "*Phase Two Environmental Site Assessment*" ("ESA") prepared by Soil-Mat Engineers and Consultants Ltd. (dated November 7, 2018 and reissued May 18, 2021) for the subject lands.

The Phase One ESA resulted in the identification of four potentially contaminating activities ("PCAs") on-site, including a historical commercial greenhouse operation on the subject lands; portions of the site being occupied as orchard lands; the presence of a fixed aboveground fuel storage tank interior to an existing building; and an interior boiler / fuel oil storage tank area inside the main greenhouse. Through further assessment, it was determined that one PCA in particular – the presence of fuel storage tanks on-site – could pose an environmental liability to the site. As such, the Phase One ESA recommended further investigation through a Phase Two ESA.

The Phase Two ESA was undertaken to assess potential adverse exceedances to the soil and groundwater conditions of the site. The completed Phase Two ESA found exceedances in the amount of metal and OC levels in the soil that exist on portions of the site. The Phase Two ESA also acknowledged that the filing of a RSC is mandatory for the subject lands, provided that the proposed development is changing the site to a more sensitive use (residential). As such, the Phase Two ESA concluded that either the completion of a remediation programme is needed to restore the soil to an appropriate condition standard for residential use, or alternatively, that the site would need to be subjected to some level of Risk Assessment activities to support the filing of an RSC.

Regional staff support the conclusions of the Phase Two ESA and requires that a RSC be filed on the Ministry of the Environment, Conservation and Parks' ("MECP") Environmental Site Registry in accordance to the *Environmental*

*Protection Act* and its associated regulations, as amended. Regional conditions are provided within the attached Appendix to this effect.

### **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Regional staff have reviewed the submitted "*Stage 1-2 Archeological Assessment*" prepared by Earthworks Archaeological Services Inc. (dated July 28, 2021). The Stage 1 background research indicated that the Study Area contains evidence of archaeological potential for the identification and recovery of archaeological resources. The Stage 2 field assessment of the study area was conducted between May 11, 2021 and June 23, 2021 and consisted of a typical test pit survey at a 5 m interval. This investigation resulted in the identification of no archaeological material. As such, no further archaeological assessment of the study area is recommended by the licensed archaeologist.

At the time of drafting these comments, Regional staff have not been provided with an acknowledgement letter from the Ministry of Heritage, Sport, Tourism, and Cultural Industries ("MHSTCI") for the completed Stage 1-2 Archaeological Assessment. The acknowledgement letter is required to confirm that the MHSTCI is satisfied that the fieldwork and reporting for the submitted archaeological assessment is consistent to the Ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses. The letter shall be provided to the Town and Region prior to any construction and/or alterations to the subject lands.

Additionally, recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological

materials, Regional staff recommends the inclusion of a standard archaeological resource warning clause in the Subdivision / Condominium Agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities. Regional conditions and warning clauses are provided in the attached Appendix to this effect.

### **Servicing**

Regional staff have reviewed the submitted “Preliminary Functional Servicing and Stormwater Management Report” prepared by S. Llewellyn & Associates Ltd. (dated July 2021) and are satisfied that no servicing connections are proposed on Main Street West. Regional staff advise the applicant that any extension of municipal sewers will require a Ministry of the Environment, Environmental Compliance Approval, which can be completed through the Region’s Transfer of Review Program. Regional conditions with respect to servicing the proposed development are provided in the attached Appendix.

### **Stormwater Management**

Regional staff have reviewed the submitted “*Preliminary Functional Servicing and Stormwater Management Report*” (dated July 2021) and the associated engineering drawing (dated July 1, 2021) prepared by S. Llewellyn & Associates Limited.

Staff observe that the development storm outlet has not been determined. Instead, the Report proposes two options: 1) an outlet to Livingston Avenue the final outlet remains undetermined, Regional staff offer the following preliminary comments:

1. In regards to the comparison between the existing stormwater management (SWM) plan and drainage condition of the property, the proposed SWM plan lacks of measures to retain water on-site. Although the site terrain slopes north, the site’s stormwater overland flow that impacts Livingston Avenue may be minor due to the

1. Stormwater discharge has been controlled to the discharge rates illustrated in the Silver Maple Subdivision Stormwater Management Report prepared by Philips Engineering.

presence of an on-site swale, silty sand soil and trees, and an open space prior to the road.

2. The Livingston Avenue storm sewer capacity for the proposed development should be clarified and confirmed. A Regional Road storm sewer is normally sized to convey a 5-year storm flow from the roadway. The 100-year storm flow onto a Regional Road is conveyed by storm sewer (minor system) and overland flow path (major system). If the proposed development's storm flow is discharged into a storm sewer only, consideration should be given to the 100-year flow being over controlled with respect to the storm sewer capacity.
3. Staff acknowledge that the stormwater quality control plan indicates water treatment at the Town's facilities with a compensation in a manner of cash-in-lieu. Staff note that the plan must be finalized to include details such as the facility location, capacity, etc., and must satisfy the Town.

Regional conditions with respect to stormwater management are provided in the attached Appendix.

### **Regional Road Widening**

The subject lands has frontage along Main Street West (Regional Road 81). Regional staff have confirmed that the designated Regional Road allowance width along this frontage meets the required width as set out in the ROP. As such, no further widening is required for these applications.

### **Regional Permit Requirements**

Regional staff observe that as proposed, it is unclear as to whether the existing entrance along Main Street West (Regional Road 81) will be removed or maintained. Based on the proposed road design, it appears that the existing entrance will no longer be used. As such, staff requires that all applicable materials are updated to include the reinstatement specifications for the

2. Stormwater discharge has been controlled to the discharge rates illustrated in the Silver Maple Subdivision Stormwater Management Report prepared by Philips Engineering, which is less than the existing conditions flows.

3. Noted.

existing entrance to match the existing boulevard. These reinstatement specifications shall be to the satisfaction of the Region.

Regional Construction Encroachment Permit

Regional staff requires that prior to any construction and/or workings occurring within the Regional Road allowance that a Regional Construction, Encroachment, and Entrance Permit shall be obtained from the Region's Transportation Services Division, Public Works Department.

Regional Sign Permit

The applicant is advised that any proposed placement of a sign, notice, or advertising device within 20 m of the centerline of Main Street West (Regional Road 81) requires a Regional Sign permit.

Regional permit applications can be applied for online at:  
<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional conditions with respect to permit requirements are provided in the attached Appendix.

**Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposal is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling blue / grey bins – no limit (weekly collection).
- Organics green bins – no limit (weekly collection).
- Waste / garbage bags / cans – 2 maximum per property (bi-weekly collection).

Regional staff have reviewed the proposed street network and observe that waste collection pads are needed for Unit 23 and Unit 28. In order to demonstrate that waste collection pads are not needed for these units, Regional staff requires that truck turning templates are provided on applicable plans / drawings to demonstrate that Regional waste collection trucks do not need to reverse a distance greater than 15 m. If this cannot be achieved, then waste collection pads shall be provided for these units. Regional staff have no other concerns with the proposed street network from a waste collection perspective. If the above requirement cannot be met, then waste collection for the proposed development will be the responsibility of the owner through a private contactor and not the Niagara Region.

Regional conditions with respect to waste collection are provided in the attached Appendix. Please note that Regional conditions 13 and 14 in the attached Appendix are only required if waste collection pads are needed for the proposed development.

### **Protection of Survey Evidence**

Regional staff note that survey evidence adjacent to Regional Road allowances shall not to be damaged or removed during the development of the subject lands. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of the proposed development. A Regional condition is provided in the attached Appendix to this effect.

### **Conclusion**

In conclusion, Regional Planning and Development Services staff supports, in principle, the proposed development of 9 and 11 Kerman Avenue, Grimsby. The development will facilitate intensification within the urban area that improves the diversification of housing options in Niagara, supports the Town

in achieving its intensification target, and makes better use of existing urban lands and municipal services.

As such, Regional staff do not object to the concurrent Draft Plan of Subdivision, Draft Plan of Common Element Condominium, and Zoning By-law Amendment subject to the discussion above, the conditions and warning clauses provided in the attached Appendix, and any local requirements.

Should you have any questions related to the above comments, please feel free to contact me at [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca).

## **Appendix**

### **Regional Conditions of Draft Plan of Subdivision and Draft Plan of Common Element Condominium Approval – 9 & 11 Kerman Avenue, Town of Grimsby**

1. That a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the *Environmental Protection Act* and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
2. That the Subdivision / Condominium Agreement contain provisions whereby the owner agrees to implement the recommendations of the approved Phase Two Environmental Site Assessment (ESA) required in accordance with the above Condition.
3. That following completion of any remediation and/or risk assessment work, if required, a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the Environmental

Protection Act and associated regulations, as amended. Copies of the Environmental Site Assessment and site remediation reports as well as a copy of the MECP written acknowledgement of the filing of the RSC, together with a certification from a Qualified Professional (QP) that the development lands meet the applicable standard(s) of the intended land uses shall be submitted to Niagara Region.

4. That the owner submit a the completed “Stage 1-2 Archaeological Assessment” prepared by Earthworks Archaeological Services Inc. (dated July 28, 2021) to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receive an acknowledgement letter from MHSTCI (copied to the Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.
5. That the following archaeological resource warning clause be included in the Subdivision / Condominium Agreement:

*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (“MHSTCI”) at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject*



*to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

6. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
7. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the owner and the Town.
8. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks (“MECP”) documents entitled “Stormwater Management Planning and Design Manual, March 2003” and “Stormwater Quality Guidelines for New Development, May 1991”, or their successors to Niagara Region Planning and Development Services for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b. Detailed erosion and sedimentation control plans.

<p>9. That the Subdivision / Condominium Agreement between the owner and the Town of Grimsby contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance to the condition above.</p> <p>10. That updated plans be submitted showing works within the Regional Road Allowance for review and approval.</p> <p>11. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).</p> <p>12. That the applicant ensure that all streets and development blocks can provide access in accordance to the Niagara Region's Corporate Waste Collection Policy and By-laws relating to the curbside collection of waste.</p> <p>13. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer for Unit 23 and Unit 28.</p> <p>14. The owner is advised that some of the proposed development's internal roads do not meet the requirements of the Niagara Region's Corporate Waste Collection Policy. Therefore in order to receive Regional waste collection, residents are required to bring their containers to their designated waste collection pads for collection. The following clause should be included in the Subdivision / Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for Unit 23 and Unit 28:</p> <p><i>"Owners / Purchasers / Tenants are advised that they will need to bring their waste and recycling containers to their designated waste</i></p>		
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*collection pad on their designated collection day in order to receive curbside collection.”*

15. That the Subdivision / Condominium Agreement between the owner and the Town of Grimsby contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

**Clearance of Conditions**

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

**Subdivision / Condominium Agreement**

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

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Grimsby. The Town of Grimsby is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports

(one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Grimsby.		
<b>NEC – November 3, 2021</b>		
Comments	Consultant	Response
Property not located within the Niagara Escarpment Plan Area or the Area of Development Control. No objection to the proposed works.		Noted.
<b>Canada Post – November 8, 2021</b>		
Comments	Consultant	Response
<p>This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.</p> <p>Conditions requested to be added for Canada Post Corporation's purposes (below).</p> <p>The owner shall complete to the satisfaction of the Director of Engineering of the town of Grimsby and Canada Post:</p> <ol style="list-style-type: none"> <li>1. Include on all offers of purchase and sale, a statement that advises the purchaser: <ol style="list-style-type: none"> <li>a) That the home / business mail delivery will be from a designated Centralized Mail Box</li> <li>b) That the developers / owners be responsible for officially notifying the purchases of the exact Centralized Mail Box locations prior to the closing of any home sales</li> </ol> </li> <li>2. The owner further agrees to: <ol style="list-style-type: none"> <li>a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.</li> </ol> </li> </ol>		<p>No concerns with proposed conditions.</p> <p>Please note that Central Mailbox (CMB) modules are located beside the visitor parking in the northerly part of the development and within the amenity space in the southerly part of the development. A total of three CMBs are proposed.</p>

<p>b) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes</p> <p>c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.</p> <p>d) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.</p> <p>3. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.</p>		
<b>Bell – November 5, 2021</b>		
Comments	Consultant	Response
<p>The following are to be included as a condition of approval:</p> <ol style="list-style-type: none"> <li>1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.</li> <li>2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.</li> </ol>		No concerns with proposed conditions.

<p>The Owner is advised to contact Bell Canada at <a href="mailto:planninganddevelopment@bell.ca">planninganddevelopment@bell.ca</a> during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.</p> <p>It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.</p> <p>If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.</p>		
<p><b>Hydro One – October 19, 2021</b></p>		
<p>Comments</p>	<p>Consultant</p>	<p>Response</p>
<p>No comments or concerns at this time.</p>		<p>Noted.</p>