

AMENDMENT NO. 53
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM

PART 1 - PREAMBLE

1.1 TITLE

This Amendment when approved shall be known as Amendment No. 53 to the Official Plan for the Town of Pelham.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified as Schedule 'A'. This preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to expand the Fenwick Sanitary Sewer Area.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the west side of Balfour Street, lying south of Memorial Drive and north of Ker Crescent and Sandra Drive. The lands are composed of part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham.

1.5 BASIS

The subject lands are currently designated Village Residential according to the Town's Official Plan. The Amendment is intended to expand the Fenwick Sanitary Sewer Area to encompass the subject lands for the purpose of allowing the provision of full municipal services.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document, entitled PART 2 - THE AMENDMENT consisting of the attached map identified as Schedule 'A', constitutes Amendment No. 53 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by extending the Fenwick Sanitary Sewer Area to encompass the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment.

2.3 IMPLEMENTATION

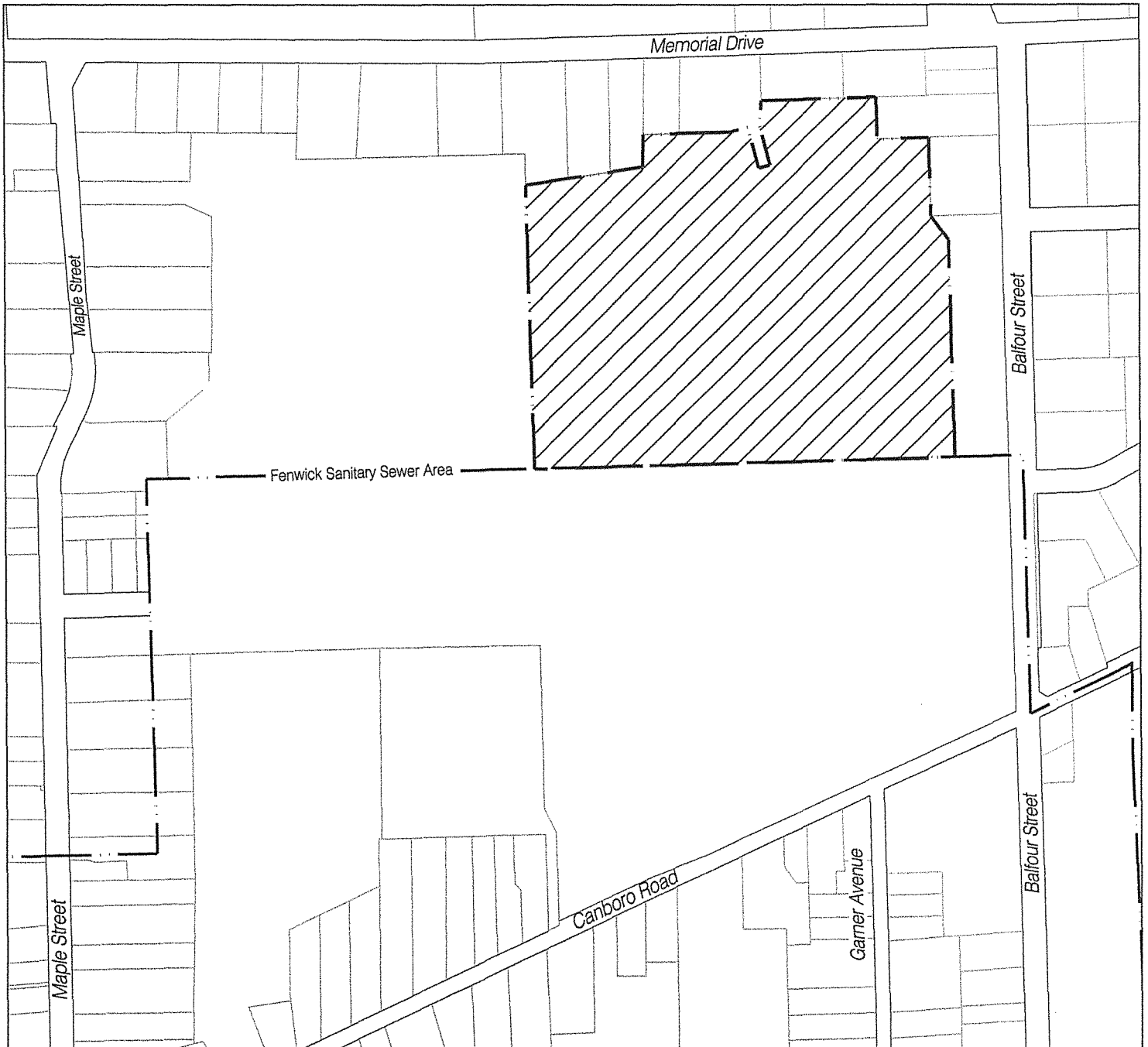
This Amendment will be implemented through the adoption of this Amendment alone.


File No. AM-06/97
Assessment Roll No.: 2732-010-015-01500
Planning Report No.: P-08/05

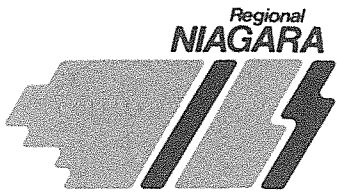


SCHEDULE 'A'

Official Plan Amendment No. 53



Subject Parcel 



THE REGIONAL MUNICIPALITY OF NIAGARA


OFFICIAL PLAN AMENDMENT NO. 53

Cherry Ridge Subdivision (Phase II)-Fenwick Sanitary Sewer Area Expansion

Town of Pelham

Amendment No. 53 to the Official Plan of the Town of Pelham, which was adopted by the Council of the Town of Pelham, is hereby approved under Section 17 of the Planning Act.

DATE: June 15, 2005



David J. Farley
Director of Planning and Development
Regional Municipality of Niagara

AMENDMENT NO. 53
TO THE
OFFICIAL PLAN

CERTIFIED COPY OF

BY-LAW NO. 2651 (2005)

ADOPTING OFFICIAL PLAN AMENDMENT NO. 53

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 2651 (2005)

Being a by-law to adopt Amendment No. 53 to
the Official Plan of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN
ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, R.S.O. 1990, AS
AMENDED, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 53 to the Official Plan of the Town of Pelham, consisting of
Schedule A, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the
Regional Municipality of Niagara for approval of the aforementioned Amendment No. 53
to the Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final
passing thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
21ST DAY OF MARCH, 2005 A.D.


MAYOR RONALD W. LEAVENS


CLERK CHERYL MICLETTE

THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED A TRUE COPY


Clerk

AMENDMENT NO. 53
TO THE OFFICIAL PLAN
FOR THE TOWN OF PELHAM

PART 1 - PREAMBLE

1.1 TITLE

This Amendment when approved shall be known as Amendment No. 53 to the Official Plan for the Town of Pelham.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached map identified as Schedule 'A'. This preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of the Amendment is to expand the Fenwick Sanitary Sewer Area.

1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the west side of Balfour Street, lying south of Memorial Drive and north of Ker Crescent and Sandra Drive. The lands are composed of part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham.

1.5 BASIS

The subject lands are currently designated Village Residential according to the Town's Official Plan. The Amendment is intended to expand the Fenwick Sanitary Sewer Area to encompass the subject lands for the purpose of allowing the provision of full municipal services.

PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document, entitled PART 2 - THE AMENDMENT consisting of the attached map identified as Schedule 'A', constitutes Amendment No. 53 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

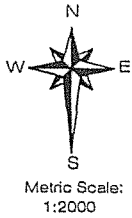
Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by extending the Fenwick Sanitary Sewer Area to encompass the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment.

2.3 IMPLEMENTATION

This Amendment will be implemented through the adoption of this Amendment alone.

File No. AM-06/97
Assessment Roll No.: 2732-010-015-01500
Planning Report No.: P-08/05

L:\BY-LAWS\Official Plan\No. 53 Cherry Ridge Extension 2651.wpd

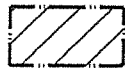


SCHEDULE 'A'

Official Plan Amendment No. 53



Subject Parcel



PART 2 - THE AMENDMENT

2.1 PREAMBLE

All of this part of the document, entitled PART 2 - THE AMENDMENT consisting of the attached map identified as Schedule 'A', constitutes Amendment No. 53 to the Official Plan of the Town of Pelham.

2.2 DETAILS OF THE AMENDMENT

Map Amendment

Schedule 'A' to the Official Plan of the Town of Pelham is hereby amended by extending the Fenwick Sanitary Sewer Area to encompass the lands, shown as the subject lands on Schedule 'A' attached hereto and forming part of this Amendment.

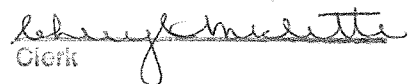
2.3 IMPLEMENTATION

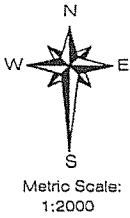
This Amendment will be implemented through the adoption of this Amendment alone.

File No. AM-06/97
Assessment Roll No.: 2732-010-015-01500
Planning Report No.: P-08/05

L:\BY-LAWS\Official Plan\No. 53 Cherry Ridge Extension 2651.wpd

THE CORPORATION OF
THE TOWN OF PELHAM
CERTIFIED A TRUE COPY


Clerk

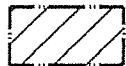


SCHEDULE 'A'

Official Plan Amendment No. 53



Subject Parcel



PART 3 - APPENDICES

- Appendix A Copy of all written submissions and comments and when they were received
- Appendix B Affidavit by an employee of the municipality certifying that,
- i) the requirements for the giving of notice and the holding of at least one public meeting or the alternative measures for informing and obtaining the views of the public set out in the official plan have been complied with, and
 - ii) the requirements for the giving of notice of adoption have been complied with
- Appendix C Affidavit of an employee of the municipality listing all persons and public bodies that made oral submissions at a public meeting
- Appendix D Copy of the minutes of the public meeting November 9, 2004
- Appendix E-1 Copy of planning report P-45/04, dated November 03, 2004
E-2 Copy of planning report P-08/05, dated March 02, 2005
- Appendix F Affidavit certifying that the information required under Section 6 (2) and provided by the municipality is true
- Appendix G List of public bodies given notice of proposed plan or amendment but which did not respond
- Appendix H Information re Applicant Initiating the Amendment

Appendix A

Copy of all written submissions and comments and when they were received

	<u>Received</u>
A-1 Town of Pelham Building & Enforcement Services	March 10, 2004
A-2 Bell	March 11, 2004
A-3 Bell	March 31, 2004
A-4 Regional Niagara Public Health Department	October 27, 2004
A-5 Murray Brian Calvert	November 2, 2004
A-6 Michelle Purchase for Wayne and Irma Purchase	November 6, 2004
A-7 Elena Watson, John Deliman, Terry Deliman and Marie MacPherson	November 7, 2004
A-8 Niagara Peninsula Conservation Authority	November 25, 2004
A-9 Regional Niagara Planning & Development Department	December 22, 2004
A-10 Town of Pelham Operations	January 31, 2005
A-11 David Watson	February 2, 2005
A-12 Bill Watson	February 15, 2005

File Nos. 26T19-97016
AM-06/97

Page 2 of 3

EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATIONS

The lands are currently designated Village Residential according to the Town of Pelham Official Plan. While lying within the designated Village of Fenwick, the lands lie outside of the Sanitary Sewer Area as identified in the Official Plan. The lands are currently zoned Residential Village 1 RV1 in Zoning By-law No. 1136 (1987) as amended.

This application was first circulated in 1997 at which time the applicant was proposing the creation of seventy (70) single detached dwelling lots. It was also proposed that the policies of the Official Plan be amended to expand the Fenwick Sanitary Sewer Area and to permit a reduction in the required lot area. Similarly, an amendment to the Zoning By-law was proposed to reduce the lot area requirement for single detached lots.

The plan has now been revised in order to address a number of agency concerns relating to the protection of a woodlot and the identification of a significant land form. Additionally, the applicant has abandoned the proposed amendments to the Official Plan and Zoning By-law to reduce the lot area requirements.

The applicant has now requested the approval of a plan of subdivision to permit the creation of fifty-eight (58) single detached dwelling lots (Lots 1 to 58), one (1) block (Block 59) for park and one (1) block (Block 60) for 0.3 metre reserve. A copy of the plan of subdivision is included as an attachment for your review and reference.

For your information, the proposed Official Plan Amendment to expand the Fenwick Sanitary Sewer Area to encompass the subject lands remains an active part of the application.

REQUEST FOR COMMENTS

Pursuant to Sections 17(15) and 51(23) of the Planning Act, R.S.O. 1990, as amended, you are hereby requested to provide comments regarding these applications by **Wednesday, April 7, 2004**. If the Town does not receive your agency's comments by the above noted date, Town Staff will assume that you have no objection. If your agency requires an extension in order to submit comments, please notify the Town at least one (1) week prior to the due date.

If you wish to be notified of the passing of the proposed amendment and/or the draft approval of the plan of subdivision, you must make a written request to the undersigned and such request must include the name and address to which such notice should be sent. Alternatively, the box at the bottom left of this Notice can be checked.

Further information regarding the application may be obtained by contacting the undersigned.

Craig Larmour, extension 16
Director of Planning Services
clarmour@town.pelham.on.ca

AGENCY COMMENTS

BUILDING DEPT.
Name of Agency

Ernie Cronin
Person Submitting Comments

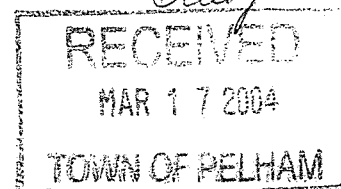
☒ NO OBJECTION

Mar 10/04
Date

COMMENTS (If additional space is required, please attach a separate sheet):

None

☒ Please send notice of the passing of the Plan of Subdivision and Zoning By-law Amendment.



Right Of Way
Floor 5, 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Tel: 416-296-6291 Toll-Free: 1-800-748-6284
Fax: 416-296-0520

March 11, 2004

Town of Pelham
Planning Services
20 Pelham Town Square, Municipal Building
Fonthill, Ontario
L0S 1E0

Attention: Craig Larmour

Dear Sir/Madam:

RE: Draft Plan of Subdivision
Balfour Street and S side of Memorial Drive
Your File No: 26T19-97016 AM-06/97
Bell File No: 27910

Thank you for your letter of March 08, 2004 requesting comments on the above-referenced application.

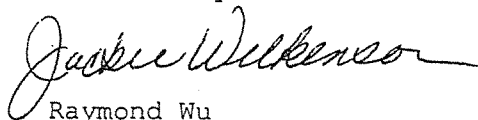
A preliminary review of the draft plan has been completed and a telecommunication facility easement may be required to service these lands.

The draft plan has been forwarded onto our Engineering department for detailed review and to determine Bell's specific requirements.

Until additional comments are issued by Bell Canada approval of the above-referenced application is premature.

Should you have any questions please contact Jackie Wilkinson at 416-296-6430.

Yours truly



Raymond Wu
Manager - Right Of Way Call Centre

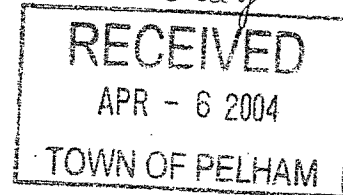




Right Of Way
Floor 5, 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Tel: 416-296-6291 Toll-Free: 1-800-748-6284
Fax: 416-296-0520

March 31, 2004

Town of Pelham
Planning Services
20 Pelham Town Square, Municipal Building
Fonthill, Ontario
L0S 1E0



Attention: Craig Larmour

Dear Sir/Madam:

RE: Draft Plan of Subdivision
Balfour Street and S side of Memorial Drive
Your File No: 26T19-97016 AM-06/97
Bell File No: 27910

Further to our comments of March 11, 2004 Bell Canada is pleased to provide the following additional comments.

A detailed review of the Draft Plan of Subdivision has been completed and adequate telecommunication facilities exist within the area, therefore, Bell Canada does not require any easement or lease.

The following paragraph(s) are to be included as Conditions of Draft Plan of Subdivision Approval:

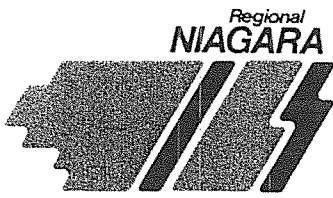
1. The Owner shall be requested to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the owner shall advise the municipality of the arrangement made for such servicing.

Should you have any questions please contact Jackie Wilkinson at 416-296-6430.

Yours truly

Raymond Wu
Manager - Right Of Way Call Centre

67

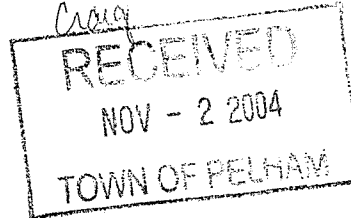


PUBLIC HEALTH DEPARTMENT
The Regional Municipality of Niagara
INSPECTION DIVISION
573 Glenridge Avenue
St. Catharines, Ontario L2T - 4C2
Telephone: 905-688-3762 or 1-800-263-7248
Fax: 905-641-4994
E-mail address: inspect@regional.niagara.on.ca

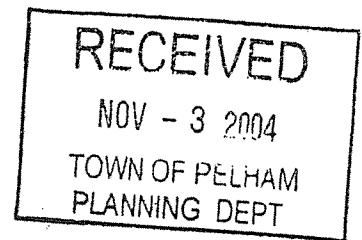
Appendix A-4
Page 1/1

October 27, 2004

Town of Pelham
20 Pelham Town Square
P.O. box 400
Fonthill, Ontario
L0S 1E0



Attention: Craig Larmour, MCIP, RPP
Director of Planning



Dear Mr. Larmour:

**RE: Proposed Plan of Subdivision and Amendment to Official Plan
West Side of Balfour Street and South Side of Memorial Drive
Lying North of Ker Crescent and Sandra Drive
Part of Lots 13, 22, 23 and 24, Registered Plan No. 703
Town of Pelham**

This department offers no objection subject to all lots being serviced by municipal sewers.

If you have any questions regarding the above, please feel free to contact me at this office.

Yours truly,

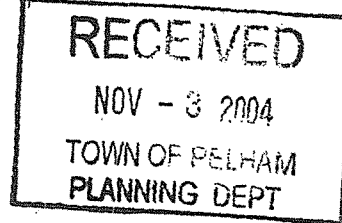
Alphonse Wolf, C.P.H.I.(C)
For: Robin Williams, M.D., D.P.H., F.R.C.P.(C)
Medical Officer of Health
AAW:jc

...Dedicated to achieving a Healthier Niagara

715 Memorial Drive
Fenwick ON. L0S 1C0
November 2, 2004

Appendix A-5
Page 1/2

General Committee
Planning Services Division
Town of Pelham



Regarding the proposal for Cherry Ridge.

I am appalled by the reduction in the number of dwelling lots from 70 to 58. Where are the other 12 families going to live? Certainly not in the new greenbelt. Because of your minimum lot size, sprawl is guaranteed. We need higher densities to conserve farmland.

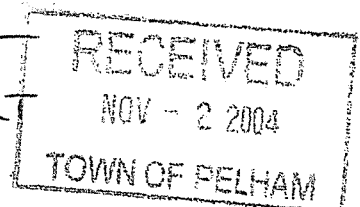
The access to the "Block 59" park is too far east. There is a 7 metre drop to get in. If stairs are not installed, a rut will erode here. By ~~re~~ shifting Lots 49 and 50 eastward, so access is next to lot 48, the drop will only be 3 metres, so a wheelchair ramp will be easy to install there.

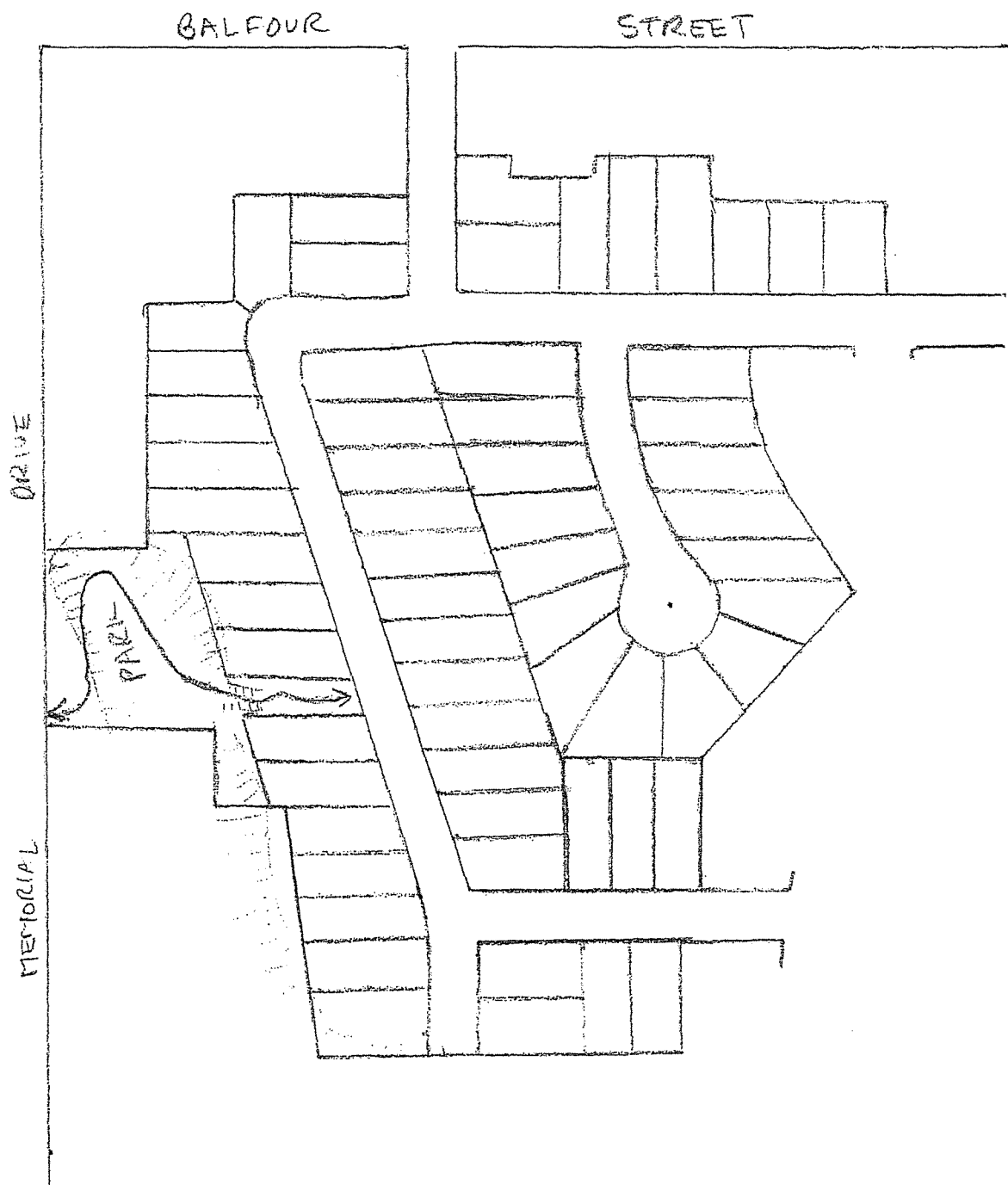
The proposed street layout is inefficient, making access to Balfour Street longer and more confusing, particularly from Street C. This could cause delays in emergency service and makes the provision of bus service more difficult in the future.

Also, streets should run ~~re~~ mostly east to west, so that houses do not cast shadows on their neighbours during the winter. For example, Lots 1 and 2 could be rotated by 90 degrees. Houses should have ~~a~~ more windows on the south side to reduce heating costs. They should never have garages on the south side!

I have included a rough sketch of an alternative street layout. Note that ~~the~~ most lots are long in the North-South direction for better solar energy potential. If the Town had been planning more wisely in the past, then Ker Crescent could have been extended to Street B (rather than curving south to Sandra replacing the cul-de-sac).

Murray Brian Calvert
MURRAY BRIAN CALVERT





Received my email 11/06/04

Wayne and Irma Purchase
728 Memorial Drive
Fenwick, ON L0S 1C0
phone: (905) 892-2732
email: irma.purchase@sympatico.ca

November 6, 2004

Craig Larmour, MCIP, RPP
Director of Planning Services
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0
phone: (905) 892-2607 ext. 16
email: clarmour@town.pelham.on.ca

Dear Mr. Larmour:

RE: Cherry Ridge Extension - Fenwick
File Nos. 26T19-97016 and AM-06/97

Regarding the approval of the above noted plan of subdivision: my parents live on Memorial Drive and I am writing this letter on their behalf. Their property contains a significant portion of the woodlot mentioned in your letter, which Block 59 also forms part of. We have no objection to the proposed Official Plan Amendment or the subdivision application in general. However, we do have concerns about tree protection and erosion and sedimentation occurring along the steep sandy slopes of our rear property line. The forest contains endangered (Cucumber Tree), threatened (American Chestnut) and provincially rare (Pignut Hickory) trees as well as a diverse population of various Carolinian species. We are very concerned about the protection of the health of the woodlot.

I am not familiar with the Town's existing Tree Management policies; however, as part of the approval process for this plan of subdivision we are requesting the requirement for the preparation and approval of a Tree Management and Protection Plan. The draft plan of subdivision provided to us on October 19th 2004 does not show an existing forest dripline. We would like to see Tree Protection plans illustrating the location of proper protective fencing (not just silt fence) located one meter beyond the existing forest dripline. If any trees are being removed as part of this development application we would like to have their locations surveyed and marked in the field and the new forest edge location surveyed so that tree management concerns can be properly addressed. We would also like the opportunity to review the proposed grading and erosion and sedimentation control plans (as they are closely related to tree protection).

Also, I am unclear as to the purpose of the 0.3 meter reserve in Block 60. The hedgerow located along this boundary is very wide (at least 10 meters wide with interior habitat) and contains several American Chestnut trees. I am wondering if this feature is being given any conservation concern as part of this application.

If you have any questions, please contact me directly. Thank you very much for your assistance.

Sincerely,

Michelle Purchase, BES, MLA, OALA
Landscape Architect
work: (519) 741-8850
home: (519) 741-5007

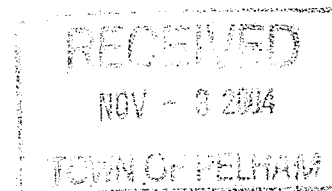
November 7, 2004

Mrs. Elena Watson
11 Ker Crescent
Fenwick, ON

Mr. John Deliman and Mrs. Terry Deliman
9 Ker Crescent
Fenwick, ON

Mrs. Marie Mac Pherson
7 Ker Crescent
Fenwick, ON

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario L0S 1E0



Attention: Mr. Craig Larmour, MCIP, RPP, Director of Planning Services

Dear Mr. Larmour

RE: File No. 26T 19-97016 & AM 06/97 Proposed Subdivision and OP Amendment

By way of this letter we wish to be listed among the interested parties and circulated all further notices and decisions related to the above noted file. Further, we wish that the comments and concerns raised in this letter be considered when preparing Draft Plan conditions for the proposed development.

We do not wish to oppose the subdivision application nor the official Plan amendment provided that suitable measures and controls are imposed to ensure that the development has minimal impact on existing properties both during construction and in its final form.

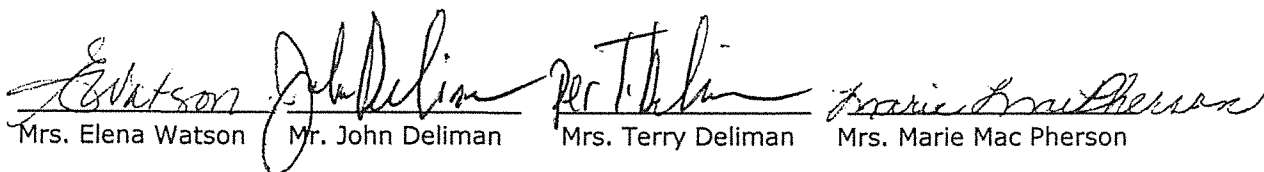
Since the surrounding properties have for the most part been occupied and landscaped for a significant period of time the grading plan for the proposed development should demonstrate that all drainage from the subject property is contained within the proposed plan of subdivision including overland flow from major events. Grading of the proposed plan of subdivision should also ensure that grading of proposed lots is not significantly higher than the existing abutting lots and homes contained within the proposed plan are at a similar elevation to those existing on abutting lots.

Construction measures should include a single construction entrance from Regional Road No. 28 and the construction of erosion and sediment controls immediately upon commencement of construction. The submission and approval of a plan for road cleaning and dust control prior to the commencement of construction should also be considered.

Finally, given the size and nature of the development the proponent may wish to phase the project, if this is the case phasing of the proposed development should be such that large scale land clearing and construction does not significantly proceed completion of the civil works and home construction process. This would minimize the impact on adjacent neighbors by limiting the time they have stripped land and topsoil stockpiles on adjoining lots.

Thank you for considering these issues in your review of the subject applications.

Sincerely,


Mrs. Elena Watson Mr. John Deliman Mrs. Terry Deliman Mrs. Marie Mac Pherson

copies to: Mr. Bill Smeaton, Chairperson, Region of Niagara Planning Committee
Mr. John Durley, Chairperson, Town of Pelham Planning Committee
Mrs. Debbie Urbanowicz, Ward 1 Councillor
Mr. Malcolm Allen, Ward 1 Councillor

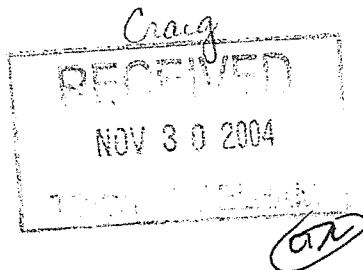


250 Thorold Road West, 3rd Floor Tel (905) 788-3135
Welland, Ontario L3C 3W2 Fax (905) 788-1121
E-mail: npca@conservation-niagara.on.ca

November 25, 2004

File no. MPR 6.11.39

Craig Larmour
Director of Planning Services,
Town of Pelham
20 Pelham Town Square
Fonthill, ON
L0S 1E0



Dear Sir:

Subject: Revised Application for Draft Plan of Subdivision
Cherry Ridge Extension
Balfour Street at Memorial Drive
Town of Pelham
Your File 26T 19-97016 and AM-06/97

The NPCA had provided previous comment to the Region of Niagara on this application via correspondence dated September 30, 1997 (Michael Benner) and August 12, 1998 (Kathy Menyes). Since that time, the application has been amended to include a Park Block (Block 59) and a reduction in the total number of lots from 70 to 58 (plus the park block and a 0.3m reserve Block). The following comments are offered for your consideration.

Stormwater Drainage: It is our understanding that stormwater management for this development will outlet into the existing storm sewer and stormwater pond system in Cherry Ridge Estates Phase 1 (apparently designed to accommodate flows from this phase). Correspondence from the consulting engineer indicates that the rear yard areas of lots 47-55 will drain into the existing ravine between the proposed subdivision and Memorial Drive. With the exception of Block 59, the lands beyond the rear yards of these lots would appear to be private property. As such, we would suggest a re-design of this particular area of the storm drainage design to avoid run-off onto adjacent private lands. The NPCA acknowledge that these lands were included in the Master Storm Drainage Plan for the Cherry Ridge Phase I subdivision. At that time, this agency was not involved with stormwater management review. We therefore did not review nor provide comment on the Master Drainage Study submitted for the subdivision. Notwithstanding, we are aware of some past problems with siltation of downstream properties and note that the municipality should ensure that it is satisfied with the existing SWM design. In particular, the Town may wish to require confirmation from the developer that the existing SWM facility and infrastructure is adequately sized to accommodate this phase of the development. We will, however, be requesting copies of the lot grading and drainage plans as well as sediment and erosion control plans for our review and approval.

Valleyland Policies: The north portion of the proposed subdivision abuts an existing ravine system, consisting of a maturely treed valley slope. Authority objectives when reviewing development proposals of

this nature, therefore, pertain to ensuring that life and property is protected from the risk of slope stability problems, minimizing the potential for soil erosion and sedimentation, and ensuring that the natural integrity of the valley system is maintained over the long term. Accordingly, the Conservation Authority has developed Valleyland Management Policies that assist in addressing the above objectives. Pursuant to these policies, all structural development for newly created lots must be set back a minimum of 7.5m from the top of the valley slope. This setback is intended to provide a buffer to the valley and maintain the existing bank stability and natural integrity over the long term. Authority staff have met on site with the developers consultant to confirm the top of bank location. The NPCA is in agreement with the location of the top of bank as depicted on the revised subdivision plan (dwg 97005DP – July 21, 2003, rev. 4).

The 7.5m setback will apply to the north portion of lots 47 to 51, inclusive, and lots 38 and 39. Building envelopes for these lots should be carefully reviewed by the developer at this time to ensure adequate buildable area. We would ask that lands below the top of bank be zoned and designated in a "Hazard" type of category.

The Conservation Authority's Valleyland policies encourage the maintenance of valleylands in their natural state and support all municipalities' efforts to acquire these lands for public open spaces purposes. As such, we are pleased with the proposed dedication of Block 59 to the Town of Pelham for park purposes.

Fisheries: The above noted ravine contains the headwaters of a small watercourse running west under Maple Street. The upstream drainage area is less than 125 hectares. This watercourse has been identified as a Type 2 Important Fish Habitat by the Ministry of Natural Resources, requiring a minimum 15m buffer setback. The required 7.5m setback from top of slope and the requested Hazard/Open Space zoning of lands below the top of slope will serve to address the buffer setback issue.

In context of the above, the Conservation Authority requests that the **following be included as conditions of draft approval for this development:**

1. That the lands below the top of bank be placed within a "Hazard Land" zone category (or equivalent) to prohibit development. It is presumed that Block 59 will be placed in an "Open Space" category to reflect its parkland use.
2. That detailed sedimentation and erosion control plans be prepared for this agency's review and approval.
3. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.
4. That prior to final approval, the owner provide confirmation that the existing stormwater management facility for the initial Cherry Ridge Subdivision (26T-89026) was designed and constructed to adequately service this phase of the development (Cherry Ridge Extension 26T-19-02002).

The NPCA requests that the **following clauses be included in the Cherry Ridge Extension Subdivision Agreement:**

1. The owner agrees to maintain a 7.5 metre structural setback from the top of bank identified on the subdivision plan for all structural development on Lots 38 and 39, and lots 47 to 51 inclusive;
2. The owner shall provide clear notice in all offers of purchase and sale for Lots 38 and 39, and lots 47 to 51 inclusive advising that no structural development, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks, gazebos, etc. be permitted within 7.5 metre

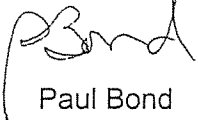
setback from the top of the bank, as identified on the master grading and drainage plan for the subdivision;

3. The Owner shall provide clear notice in all offers of purchase and sale for Lots 38 and 39, and lots 47 to 51 inclusive, advising prospective lot owners not to place or dump any material of any kind, including but not limited to, fill material, grass clippings, yard waste, etc. on the valley slope, and to maintain the natural grade of the valley slope;
4. The Owner agrees to erect and maintain a limit of work fence 3 metres from the top of slope of the Valley slope on Lots 38 and 39, and lots 47 to 51 during the construction phase;
5. The Owner agrees not to place or dump any material of any kind, including, but not limited to, fill material, grass clippings, yard waste, etc. on the valley slope and to maintain the natural grade of the valley slope, as detailed in the required notice clause.

Specific reference (ie. a separate clause) should be made in the agreement to the Master Stormwater Management Plan prepared for the original Cherry Ridge Estates Plan of Subdivision.

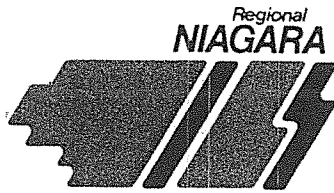
Please send notice of your Councils decision in this matter as well as a copy of your staff report for our files.

Yours Truly,



Paul Bond
Watershed Planner (ext. 234)
PEB

cc Martin Heikoop, Upper Canada Consultants @ 905-688-5274
Mr. David Farley, Region of Niagara Planning and Development Department @ 905-641-5208



PLANNING AND DEVELOPMENT DEPARTMENT

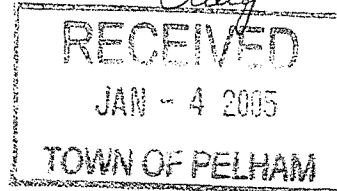
Appendix A-9

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The Regional Municipality of Niagara
3550 Schmon Parkway, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: 905-984-3630
Fax: 905-641-5208
E-mail: plan@regional.niagara.on.ca

December 22, 2004

Mr. Craig Larmour
Director of Planning Services
Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0



File: D.11.M.19.24
(OPA) (26T19-97016)

Dear Mr. Larmour:

**Re: Provincial and Regional Comments
Proposed Official Plan Amendment and Plan of Subdivision
Cherry Ridge Extension Subdivision (Phase II) (File No: 26T19-97016)
1473944 Ontario Limited (Domenic Dilalla)
Memorial Drive, west of Balfour Street
Town of Pelham**

Regional Planning staff have reviewed the proposed plan of subdivision and official plan amendment for the Cherry Ridge subdivision from a Regional and Provincial planning perspective. The application proposes the development of 8.06 hectares (19.9 acres) of land for 58 single detached residential lots.

Regional Planning

The property is located within the Region's Urban Area Boundary for Fenwick according to the Regional Policy Plan and is designated Village Residential in the Town of Pelham's Official Plan. According to the Region's Policy Plan, urban development is permitted subject to the availability of municipal services. The subject site does have access to municipal water and the plan of subdivision is being proposed in conjunction with an Official Plan amendment that will expand the Fenwick Sanitary Sewer Area in order to allow the proposed subdivision to have access to municipal sewers. The Town should determine that there is sufficient downstream capacity to accommodate this proposed development and its additional sewage flows. To ensure that the proposed Cherry Ridge is properly serviced with full municipal services it might be advisable for the Town to gain approval for the proposed official plan amendment to Schedule A (i.e. Fenwick Sanitary Sewer Area) of the Town of Pelham's Official Plan first before granting the proposed subdivision draft plan approval.

Cherry Ridge (Phase II) proposes single detached homes on large lots. Although a mix of housing types would be desirable to make more efficient use of these lands and to provide more affordable housing, the proposed single detached lots will be consistent with the established residential land use pattern in the residential development (i.e. Cherry Ridge Phase I) to the immediate south and southwest of the subject site.

From an environmental perspective, the northwestern boundary of the proposed Cherry Ridge subdivision (Phase II) appears to be covered by a woodlot. The woodlot is located in the backyards of Lots 34 to 40 and Lots 46 to 51. Even though it appears that there may be little or no development within the woodlot itself due to its rear yard location, Regional Planning staff would recommend the applicant prepare a Tree Preservation Plan for our review in accordance with the Region's Tree Conservation By-law. The Tree Preservation Plan should be prepared by a qualified professional and should define those areas where trees will be removed and where they will be retained.

The Region does not allocate servicing capacity until the final approval of the plan. Therefore, we are requesting two conditions of draft approval to the issue of servicing allocation.

Regional Public Works

Regional Public Works staff have reviewed the proposal and have no objection to draft plan approval of the plan of subdivision. Their comments and requirements are summarized as follows:

- It is proposed to connect the proposed Cherry Ridge Subdivision Phase II to an existing local sewer system contained in Phase I for which the Town should determine if there is sufficient downstream capacity to accommodate additional sewage flow. It should be noted that for Phase I of this development there was an agreement between the Town and the developer that any appropriate upgrades to the sewer system would be undertaken at the owner's expense.
- Municipal water can be provided to this phase by connecting to the existing watermain located in Phase I which is under jurisdiction of the Town. While at the current time, the Region's Welland Water Treatment Plant can adequately supply potable water to this community, it is anticipated within the next 10 years, a 1.8 million litre water tank will be need to help service Fenwick.
- Stormwater runoff from this development is intended to connect to the storm sewer system constructed for Phase I which ultimately outlets into the Keenan Drain. Due to the additional land area to be drained there may be additional requirements with respect to the existing stormwater management facility needed.
- A key element for curb side waste collection is that the waste collection vehicles will not have a need to reverse in order to collect waste. The proposed subdivision in its current configuration shows that Lots 36 to 41 (inclusive) would not be able to have curb-side pick-up. Regional Public Works staff requests that the developer provide the necessary turnaround or provide a temporary circle for waste collection vehicles.

Conditions of approval are included in the attached Appendix I and detailed comments from Regional Public Works are attached as Appendix II.

Provincial Review

To address Planning Act requirements, the Region and other agencies must have regard for Provincial policy requirements. Regional Planning staff have reviewed this plan in light of Provincial policy and interests and we have the following comments.

- **Affordable Housing**

The Provincial Policy Statement encourages the provision of a full range of housing types and densities including housing forms and densities designed to be affordable for moderate and lower income households. This plan proposes very large single detached lots (with frontages of 18-25.28 metres) that will likely not provide the opportunity for affordable housing. Affordable housing, however, need not be provided in every plan but rather can be addressed over a neighbourhood or municipal wide basis. The Town should encourage developers to provide a mix of lot sizes, housing types and tenure wherever practical to meet a range of housing needs.

- **Ministry of the Environment (MOE)**

- i) Land Use Compatibility and Noise Impacts

There are no existing or committed industrial land uses in close proximity to this development that would result in land use compatibility concerns. In addition, there are no nearby transportation facilities that would result in noise impacts on this development.

- ii) Stormwater Management

The proposed development will be serviced through an existing stormwater management facility located in Cherry Ridge Phase I and is supposed to be designed to accommodate flows from the second phase. Niagara Peninsula Conservation Authority (NPCA) staff are aware of some past problems with the siltation of downstream properties and as a result note that the Town should ensure that it is satisfied with the existing stormwater management pond's design. The developer's engineering consultant should confirm that the existing stormwater management facility and infrastructure is adequately sized to accommodate additional flows from the proposed Phase II. Finally, the rear yard areas of Lots 47-55 (inclusive) will drain north into the existing ravine between the proposed subdivision and Memorial Drive. Due to the fact that the lands beyond these rear yards with the exception Block 59 are private lands, NPCA staff would suggest a redesign of this particular area of the storm drainage design to avoid runoff flowing onto these adjacent private lands. Appendix III is attached which outlines NPCA comments.

A detailed stormwater management plan for both phases of Cherry Ridge was prepared and completed by Upper Canada Consultants in March 1992. As a result, the applicant will only need to submit detailed plans for lot grading and drainage as well as detailed plans for sediment and erosion control.

- iii) Sewage and Water Systems

Full municipal sanitary, storm and water services will be provided for this urban development. The allocation of servicing capacity and servicing design will be addressed as conditions of draft plan approval. Servicing plans will be required to be reviewed by the Regional Public Works Department under the Ministry of the Environment Transfer of Review Program.

- **Ministry of Natural Resources**

Block 59 is home to several specimens of the Cucumber Magnolia tree which is identified by the Ministry of Natural Resources as an endangered species in Canada and is thus protected under the Province's Endangered Species Act. To protect these unique trees, the woodlot and ravine found in Block 59 has been designated a park. The Town should consider redesignating and rezoning Block 59 to an Environmental Protection Area type of Official Plan designation and Zoning category in order to ensure its protection from future development. As well, NPCA staff note that the north portion of the proposed subdivision abuts an existing ravine system

consisting of a mature treed valley slope. In order to ensure slope stability and to minimize the potential for soil erosion and sedimentation all structural development for the newly created lots (Lots 47 to 51 inclusive and Lots 38 and 39) must be set back a minimum of 7.5 metres from the top of the valley slope. As a result, the applicant should review the building envelopes of these lots to ensure adequate buildable area. Finally, the NPCA requests that the lands below the top of bank are rezoned and designated in a Hazard type of category.

An unnamed tributary of Fifteen Mile Creek traverses the northern part of the subject land and is identified by the Ministry of Natural Resources as an Important Type 2 fish habitat which will require a 15 metre vegetated buffer for fish habitat protection. NPCA staff in their comments dated (November 25, 2004) state that the required 7.5 metre setback from the top of slope and the requested Hazard/Open Space zoning of lands below the top of slope will adequately serve to address the buffer setback issue.

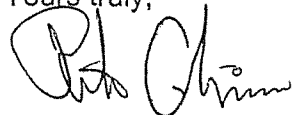
- **Ministry of Culture**

According to Ministry of Culture Resource mapping, there are several registered archaeological sites within and nearby the subject site. Therefore, the potential for the discovery of additional cultural heritage resources in this area is high. An archaeological assessment will be necessary to be submitted to the Regional Planning and Development Department for approval by the Ministry of Culture. This must be approved prior to any development or grading of the site.

Conclusion

Regional Planning staff have no objection from either a Regional or Provincial perspective to the draft approval of the Cherry Ridge Estates (Phase II) subdivision subject to the Town ensuring that there is sufficient downstream capacity to accommodate this proposed development and its additional sewage flows and the conditions requested by the Regional Planning and Development Department and the Regional Public Works Department as set out in Appendix I. If there are any questions please contact Brian Dick, Planner or Peter Colosimo, Senior Planner, for assistance.

Yours truly,



for David J. Farley
Director of Planning Services

BD/

Attachments: Appendix I – Recommended Conditions of Draft Approval
Appendix II – Regional Public Works Comments
Appendix III- Niagara Peninsula Conservation Authority Comments

c: Mr. M. Heikoop, Upper Canada Consultants, 215 Ontario St., St. Catharines, ON L2R 5L2
Mr. J. Durst, Ministry of Natural Resources, Vineland
Mr. J. MacDonald, Ministry of Culture, London
Ms. B. Ryter, Ministry of the Environment, Hamilton
Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority
Mr. W. Stevens, Regional Public Works

Appendix I

Conditions of Draft Approval

Cherry Ridge Subdivision

Town of Pelham

File: 26T19-97016

1. That the owner acknowledge promptly 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 final approval of the subdivision for registration purposes.
2. That immediately following notice of draft plan approval, the owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Pelham.
3. That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development (including any required downstream municipal sewer improvements) be submitted to the Regional Public Works Department for review and approval.
4. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment Certificates of Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development.
5. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Regional Planning and Development Department for review and approval two copies of the following plans for the subdivision designed and sealed by a suitably qualified professional engineer.
 - 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;
 - c) That the subdivision agreement between the owner and the Town of Pelham contain provisions whereby the owner agrees to implement these approved plans.

Note: The Region will request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plan as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning staff.

6. That prior to final approval, the owner provide confirmation through a professional engineer that the existing stormwater management facility for the initial Cherry Ridge subdivision (26T-89026)(Phase I) was designed and constructed to adequately service this phase of development (Cherry Ridge Extension, Phase II).
7. That the owner submit a Tree Saving or Preservation Plan to the Town of Pelham for review and approval, with a copy to the Regional Planning and Development Department for review and comment, and that the approved Plan be implemented through the Subdivision Agreement between the owner and the Town of Pelham.
8. That an archaeological assessment be conducted of the entire development site by a licensed archaeologist and adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture through the Regional Planning and Development Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Note: A copy of the archaeological assessment report is to be submitted to the Regional Planning and Development Department for information.

Clearance of Conditions

Prior to granting final plan approval, the Town of Pelham must be in receipt of written confirmation from the following agencies that their respective requirements have been met satisfactorily:

- **Regional Niagara Planning** for Conditions 1, 2, 5, 6, 7 and 8
- **Regional Niagara Public Works** for Conditions 3 and 4 (through Regional Planning)

Subdivision Agreement

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions have been included. **Note:** The Regional Planning and Development Department recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.

MEMORANDUM

TO: Craig Larmour, Director of Planning Services

FROM: Jamie Hodge, Director of Operations

DATE: January 31, 2005

RE: Draft Plan Conditions and Conditions of Final Approval
Proposed Cherry Ridge Extension Subdivision
1473944 Ontario Limited c/o Centennial Construction

GENERAL:

These approval conditions apply to the *Cherry Ridge Extension Subdivision*

1. All roadways to be dedicated as public highways and named to the satisfaction of the Town.
2. The owner pays cash-in-lieu of parkland dedication to the satisfaction of the Town.
3. The Lot Grading & Drainage Policy of the Town be applied to this subdivision with amendments as necessary to take into consideration in the characteristics of the site.
4. The owner pays all relevant development charges in force at the time of issuance of building permits.
5. The owner grants and conveys to the Town any easements required for servicing the subdivision.
6. The subdivision be designed and constructed in accordance with established Town practices, guidelines and policies which in part include the following:
 - a. All subdivision road allowances be 20m in width
 - b. Installation of a water distribution system, sanitary sewer collection system and a storm sewer system including all requisite appurtenances thereto.
 - c. 1.5m wide concrete sidewalks installed at various locations determined by the Town consistent with Town policy related to provisions of sidewalk in all new development.
7. The owner enter into separate agreement with the appropriate utility companies to provide electrical distribution, cable TV distribution, natural gas and telephone service to each lot within the subdivision.

NOTE: All such shallow utility plant shall be constructed underground.

ch

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8. Provide a detailed servicing design drawing for the water distribution system, sanitary sewers collection system, storm sewer system and storm water facilities, required to service the subject lands to the Town and Regional Niagara Public Works Department for review and approval.
NOTE: Any storm water management scheme may require the direct approval of the MOE's Approvals Branch, Toronto.
9. Provide detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Town for review and approval.
10. The owner enter into a registered Subdivision Agreement with the Town of Pelham to satisfy all requirements, financial and otherwise related to the development of the subject lands.
11. That the Subdivision Agreement between the owner and the Town be registered by the Town against the lands to which it applies, pursuant to the provisions of the Planning Act.
12. The owner submit a Solicitor's Certificate of Ownership for the Subdivision to the Town's Solicitor prior to preparation of the Subdivision Agreement.
13. Provide detailed lot grading and drainage plans, to indicate both existing and proposed grades and the means whereby system flows will be accommodated across the site for review and approval by the Town.
14. Provide detailed sedimentation and erosion control plans, to indicate how soil erosion and sedimentation will be controlled during and after the construction phase, in accordance with the MOE publication, "Guidelines on Erosion and Sedimentation Control for Urban Construction Sites", 1987 to the Town for review and approval.
15. The owner agree in the executed subdivision agreement to;
 - a. Implement the Town's approved lot grading, drainage plans, and sedimentation and erosion control plans as indicated in condition 13 & 14 above.
 - b. Re-vegetate or otherwise restore all disturbed areas immediately upon the completion of the works and prior to the release of building permits.
16. Prior to final approval and registration of this plan, the owner shall obtain Ministry of Environment "Certificate of Approval" to the satisfaction of the Town for the required

servicing of this plan of subdivision.

17. That prior to approval of the final plan or any on-site grading, the owner shall submit a storm water management plan designed and sealed by a suitable qualified professional engineer, to the Town for review and approval and indicate the following;
 - a. The manner in which storm water will be conveyed across and away from the site. in both major and minor systems, using storm water management techniques in accordance with the MOE publication, "Storm Water Management Practices and Design Manual", Mar 2003.
 - b. A detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed (Note: at minimum, the storm water management system would provide Level 2 protection for downstream fisheries resources); and
 - c. An overall site master grading plan.

SPECIFICS:

- 1.The owner provides a sanitary sewer and a storm sewer outlet on Balfour Street to permit future sewer servicing of lands to the east of the development.
- 2.The owner conveys a 0.3 m reserve at the west limit of proposed Street C to the Town.
- 3.The owner agrees to restrict all subdivision servicing and construction traffic for this development to the proposed Street a connection from Balfour Street.
- 4.The owner agrees to erect and maintain ,at all times during the subdivision servicing , traffic barriers satisfactory to thee Town at the south limit of proposed Street C and on Cherry Ridge Boulevard at its connection to the Cherry Ridge Subdivision.
- 5.The owner agrees to install fencing of a height and type and without gates satisfactory to the Town along the rear and side yards of all residential lots where these residential lot lines coincide with the limits of Block 59.

Sent via E-mail and Fax Transmission
mallen@vaxxinc.com / 905-682-9393

February 2, 2005

Mrs. E. Watson
11 Ker Crescent
Fenwick Ontario

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario L0S 1E0

Attention: Mr. Malcolm Allen, Town of Pelham Councillor

Dear Mr. Allen

RE: File No. 26T 19-97016 & AM 06/97 Proposed Subdivision and OP amendment
Comments for Ratepayers Group Residing on Ker Crescent and Sandra Drive

This letter will serve to convey the concerns and recommendations of the numerous residents who reside immediately adjacent to the above referenced subdivision.

Further to our recent meeting with you at the residence of Mr. Peter Zangari, we wish to reiterate that we were disappointed to learn that none of the concerns that we expressed at the public meeting then again to you personally at Mr. Zangari's home were incorporated into the subdivision plan. In fact, we very shocked and alarmed to see that the ground surface elevations on the grading plan are on average 2.3 meters higher than the existing yard elevations of the homes on Ker Crescent and Sandra Drive. We recall Mr. Heikopp mentioning at the public meeting that the elevation difference was likely to be no more than 16 inches, which is 0.408 meters above the existing backyard grades of lots. This significant grade differential is not acceptable and we have numerous associated concerns including, surface drainage, privacy, aesthetics, storm water surcharge, property devaluation and noise diffusion. The specifics of these concerns are as listed below.

1. Surface Drainage

We do not support, nor accept the use of swales to convey surface water as proposed on the plan. There is strong evidence to support our position and concern that backyard drainage swales do not effectively convey surface waters in subdivision. This is always the case in situations where no municipal easement is registered or in examples where the municipality has not enacted a drainage by-law to oversee drainage issues. As you have heard from several residents, drainage problems have already developed in and around several homes on Ker, despite a very limited capture area draining to these locations. Two homes have already experienced flooded basements and saturated soils conditions resulted in collapsed window wells. Remedial work has been done, but problems with drainage still exist. As you know the grading plans of all the lots on Ker Crescent and Sandra Drive have been designed and constructed to convey surface water from the rear property lines to the roadway.

The proposed drainage plan of the new subdivision is reversed with all lot drainage being totally conveyed to the drainage swale proposed at the rear lot line. Based on our interpretation of the plan and observing existing drainage, the watershed contributing to the proposed swale will be larger in area than present conditions. We are very concerned that without the controls that are noted above, that the probability of the proposed drainage swale being altered and potentially being rendered ineffective is probable. Residents are under not obligated to maintain the drainage swale, other than perhaps by Common Law. Future property owners who may become tired of having to maintain the swale or wish to alter its configuration or even to build upon it could potentially have a destructive impact on lands backing onto the new subdivision and even to areas upstream of alteration. This is a very common occurrence in subdivision plans where defined swales exist on private property and where not regulatory controls exist. Those who are impacted receive absolutely no assistance from the municipality and are told straight out by the public works department that the municipality has no jurisdiction in the matter, even though it is the municipality who approved the grading plan in the first place. This is not a unique situation, in fact likely all municipalities in the Niagara Region would respond in the same fashion. Given the lack of intervention, people then take matters into their own hands by either filling or simply

or

living with a wet yard. The final recourse is a legal one which requires one landowner suing another.

Those submitting this letter find this to be unacceptable and for this reason and others we are recommending that the proposed lots 24 to 33 and 9, 10 and part of lot 11 be re-designed so that all overland flows be reversed and drained toward the roadway known as Street "B".

2. Privacy

We find it totally unacceptable and quite thoughtless to permit the developer to create building lots at substantially higher elevations than the existing topography. With surface grades being 2.3 meters higher and also in permitting multi-level homes with walk-out basements which will could rise another 7 meters in height above the ground surface. Individuals residing in homes on Ker and Sandra will be fully exposed and be without any privacy. In some instance, certainly property owners will have two homes over looking them given the layout created by the road configuration. Even if wooden fences were erected, no advantage would be gained to protect oneself from the overpowering presence of the new homes. As you have heard, everyone residing on Ker and Sandra has chosen to purchase and reside in the area for varied reasons, but the commonality is the simple pleasure of living in an area that is quite, peaceful and private. Everyone who you recently met use their backyards extensively for private and peaceful pursuits. However this will change drastically as everyone will be exposed to the eyes of those residing in the new homes.

The lands slated for development, particularly the section nearest to those concerned has been changed by years of infilling. The elevation has been substantially altered and is now much higher than the original grade. This is obvious by the undulating topography caused by indiscriminate filling practices and also demonstrated by the type of vegetation growing on the landscape. The vegetation type observed is what would normally be found in an area that is regenerating after having been out of production for lengthy time period. Further proof is the fact that the soil composition appears diverse and mixed when examining open cut areas caused by past excavation work. Also the soil stratum is devoid of any visible soil gradations or even soil types that would commonly be present in undisturbed formations. Also, the tree line to the west is significantly lower than the lands to the east, where fill has obviously been deposited. Also, further to the north large older trees are observed to be deeper imbedded with the landscape in comparison to surrounding ground features demonstrating further evidence of filling activity.

3. Aesthetics

The plan proposes that multi-level dwelling be constructed in this area. The resident of Ker and Sandra are opposed to permitting uncomplimentary house designs to be erected immediately adjacent to the existing homes. Given that the existing homes are all bungalow style and therefore low in profile, we are requesting that the new homes be similar in design so that the course of the subdivision profile is consistent and that the new dwellings compliment ours. We submit that the landscape would be more pleasing as well as the overall general appearance of the subdivision. We do not believe that it good design practice in planning to piece together streetscapes that vary significantly in design. We are not suggesting the entire subdivision be comprised of bungalows, but only those that are in sight and are directly connected to the existing subdivision.

4. Storm water

The proposed plan of subdivision appears to be designed to utilize the existing storm water detention facility that is situated outside the new subdivision plan. It is our understanding that this storm water facility may not be functioning effectively. We are aware of complaints from downstream landowners who allege that frequent flooding events are impacting their lands and also depositing sediment from upstream areas. The storm water facility was constructed roughly 7 years ago and it appears that significant sediment accumulation has taken place and that heavy aquatic vegetation has overgrown the facility. Some investigation has revealed that no maintenance has been conducted and we also learned that the municipality has no assumed ownership and responsibility for the structure. Storm water structures are designed to capture flood flows and release water over a prolonged period to reduce downstream impact. Storm water ponds are required by regulation to control flows to the point where post construction discharge mimics pre-construction flows. Given what we have heard, we are high suspicious that this structure is not functioning as originally designed. If we assume that it is not fully functioning, what impact may take place during and

following further development of the drainage area? Will the structure have the ability to function under increased demand?

Our concern is that the proposed elevated grades of the new subdivision coupled with an increased in the time of concentration of runoff and the fact that homes on Ker and Sandra will be at a considerably lower elevation that conditions will become ripe for storm flows to surcharge into dwellings on Ker and Sandra. We believe that this isn't an exaggeration on our part as this past spring many homes in Welland, Thorold, St. Catharines and other communities experienced significant flooding for the first time ever due to heavy rainfall and insufficient storm flow capacity. Resident are very concerned and we believe that it is imperative that the developer be required to re-examine the original storm water report and update the flow modeling if required and also study and report on the operational effectiveness of the storm water pond. Given that the municipality has not assumed this facility, it is in the best interests of all to make this a condition on any preliminary acceptance of the subdivision plan. We appreciate that the developer has incorporated soak-away devices to alleviate impact on the storm system, however, let us be clear and say that these measures will not function during heavy, short term precipitation events and certainly not during times of the year when temperature fall below the freeze point. Also, given that the structures are located on private property, persons not pleased with the functionality of the pits will detach the inflow downspout and re-direct flow to the surface or directly into the storm system. Again, as with the drainage swales, since the municipality does not possess a by-law to prohibit connections to the storm system or to stop landowners from modifying the soak-away pits, the long term use of these structures cannot be guaranteed. A further concern that we have is that it does not appear that the municipality has any monitoring or maintenance program in place to deal with the ever growing number of storm water facilities. If these structures are not maintained properly, then over time they will be rendered ineffective thus threatening the design integrity of the subdivision plan and also those residing downstream.

5. Municipal Water Pressure

We learned from our recent meeting that water pressure is indeed at a sensitive point and it does fluctuate as noted by several persons. Our opinion is that if problems are now occurring, then does it make sense to further tax the system by providing water to additional users? A water tower was noted as the solution, but it is quite unlikely that a significant capital expenditure will be committed by the Regional government during a time of budgetary crises or within a community that has limited growth expectations. The benefit to cost ratio calculation would likely prove the investment unwise. We recommend that the developer, with assistance from the local municipality and perhaps the Region pursue this issue further. Of course we are not familiar with the specifics, but from what we heard we respectfully suggestion this course of action.

6. Property Devaluation/Noise

We believe and have confirmed from input of friends and associates that having homes behind us that over power our dwellings in size and elevation will have a detrimental affect on our property values. No observant or reasonable individual or family is likely to find residing in a home that is overlooked by others to be desirable. Persons who live in Fenwick are typically people who have left congested subdivisions for the openness and privacy afford by the area. People are certainly not living in Fenwick for the many the attractions, the abundant shopping experiences or the use of the transit system; they are here given that they all enjoy the peacefulness, privacy and the country atmosphere. There is no doubt in our minds that our individual and collective life styles will be forever diminished if this plan is implemented. We also believe that the design of the lots and homes as noted on the plan will generate more noise and disturbance to those residing on Ker and Sandra. Noise will naturally migrate and settle into our yards and homes given the prevailing winds and also based on the simple fact that our lands are low and our homes will capture and retain sound movement.

7. Construction Process

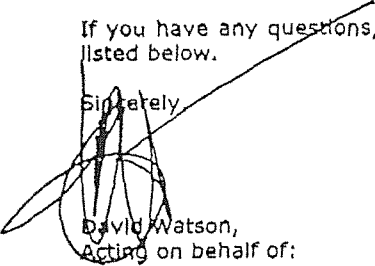
As you recall we recommended that the developer not be permitted to strip all the land and then slowing develop over time. The rationale behind our recommendation is that if this is done, we and others in the area will be subjected to continuous sediment impact by winds blowing disturbed soil. We have already experienced this from even small work undertaken in the area and a large scale stripping of vegetation cover will be quite destructive. The developer should be limited to phasing the

project and only be permitted to advance once an area is 80 to 90% built to capacity. We also recommend that access to the construction zone be from Balfour Road and not the subdivision. Also, any stockpiling of infrastructure, fill material, construction equipment and work offices is position at the extreme northern portion of the development and away from existing residents in Cherry Ridge and those residing on Balfour Road.

To sum up and also reiterate what we put forth earlier at our meeting, it is our position that if the developer was to simply address the elevation issue then all the other connected concerns would essentially be remedied. Essentially if the elevations of existing subdivision lots and those of the new plan were complementary and if drainage and the new homes were designed in the bungalow style then those residing on Ker and Sandra would be satisfied. Accordingly, we would withdraw our opposition and offer our thanks to the developer, town staff and of course you.

If you have any questions, please do not hesitate to contact the writer or any of the individuals who are listed below.

Sincerely,



David Watson,
Acting on behalf of:

Elena Watson, 11 Ker Crescent
John Delimari, 9 Ker Crescent
Terry Deliman, 9 Ker Crescent
Marie MacPherson, 7 Ker Crescent
Mark Iannizzi, 5 Ker Crescent
Kim Boucher, 55 Sandra Drive
Brian Fear, 55 Sandra Drive
Peter Zangari, 53 Sandra Drive
David Jarman, 51 Sandra Drive
Dennis Larocque, 49 Sandra Drive
Roland Vangameren, 47 Sandra Drive



"Watson, Bill"
<WatsonB@town.whitby.on.ca>
a>

02/15/2005 03:48 PM

To <clarmour@town.pelham.on.ca>

cc <jhodge@town.pelham.on.ca>, "Watson, David"
<david.watson@regional.niagara.on.ca>

bcc

Subject Proposed Cherry Ridge Estates

History: This message has been forwarded.

Mr. Lamour:

I am writing to you on behalf of my Mother, who resides at 11 Ker Crescent, with respect to the above captioned development.

In reviewing the proposed development I note that the proponent is utilizing what I understand to be the remnants of the topsoil stockpile from previous phases as their base elevations. Proposed street centerline grades clearly demonstrate steep early grades in order to gain elevation to support basement walkout style homes. This practice, while maximizing the developers profit, should be of little interest to the Town as it leads to difficult drainage patterns in adjoining backyards as well as difficult sidewalk and boulevard grades. As a municipality I would be very concerned by the ability of improperly compacted soil to support the road structure and other municipal infrastructure contained within the road allowance. I believe this manipulation of grading may also lead to the improper alteration of drainage areas resulting in the dumping of overland flow out to Ker Crescent instead of more appropriately sending the overland flow west toward Block 60.

The principal concern I wish to raise on behalf of my Mother, (and apparently many of her neighbours) is the rear yard swales proposed to be utilized on Lots adjoining their properties on Ker Crescent. Although swales can be an acceptable method of conducting flows between and around homes I have particular concern about the steepness of the walkout lots, the large areas draining to the swale and the shallow depth of the swales themselves. Stormsewers are typically designed to conduct runoff from the 5 year local storm, flows from more significant storms are carried overland, in this case the swales that is to run behind my Mothers house is continuous around the south and east perimeter of the proposed development. Although there are several rear lot catch basins proposed during spring thaw and/ or storms in excess of the 5yr flow the catch basins will not function and this swale will drain as many as 18 lots. The swale appears to be very shallow (20cms) and will likely not have adequate capacity and will result in spillover onto the Ker Crescent lots, some of which are already experiencing drainage problems due to very shallow front to back grading.

If the Town is prepared to support the proponents design then there are numerous pieces of Engineering related information I would be interested in reviewing prior to determining my own course of action including the stormwater management report, all soils, geotechnical and hydrogeologic reports as well as the hydraulic grade analysis when available.

These problems could be largely resolved by eliminating the walkout lots backing onto the existing subdivision, and providing shallow split graded lots. Not only would it be more appropriate from a grading perspective it would be more appropriate aesthetically as the current homes are mostly bungalows and two storey walkouts will present the current homeowners with 3 storey walls to look at out their back yards.

I encourage you and your staff to consider the needs of your current homeowners against the clearly profit minded design of the developer. Not only does this design betray the developers profit motive through grading design but the configuration of Street 'B' laid out at an acute angle in order to obtain a couple of extra lots demonstrates they do not have the municipality's interests foremost.

Sincerely; Bill Watson

W.J. (Bill) Watson, P. Eng.
Manager of Engineering and Development Services
Town Of Whitby, Public Works Department
575 Rossland Road East
Whitby, Ontario

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

PART OF LOTS 14, 22, 23 AND 24, REGISTERED PLAN NO. 703

I, CRAIG LARMOUR, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The requirements for the giving of notice and the holding of one public meeting have been complied with.
- (3) The requirements for the giving of notice of adoption have been complied with.


CRAIG LARMOUR

CHERYL MIOLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 53

PART OF LOTS 14, 22, 23 AND 24, REGISTERED PLAN NO. 703

AFFIDAVIT

I, CRAIG LARMOUR, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The following member of the public made comments at the public meeting:


Dave Watson, for Elena Watson, 11 Ker Crescent
John Deliman, 9 Ker Crescent
Kim Boucher, 55 Sandra Drive
Brian Baty, 742 Memorial Drive
Brian Calvert, 715 Memorial Drive
Mark Iannizzi, 5 Ker Crescent
Rodney Wright, R. R. 1, Fenwick
Brian Fear, 55 Sandra Drive
Helen Johnston, 762 Memorial Drive
Irma Purchase, 728 Memorial Drive
Cheryl Vangameren, 47 Sandra Drive
Grant Hillborn, 56 Sandra Drive

SWORN BEFORE ME AT THE
TOWN OF PELHAM IN THE
REGIONAL MUNICIPALITY OF NIAGARA
THIS 1ST DAY OF APRIL, 2005 A.D.

Cheryl Miclette
CHERYL MICLETTE, CLERK

CHERYL MIOLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

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CRAIG LARMOUR

Meeting GC-30/04

GENERAL COMMITTEE

November 9, 2004

Minutes of a regular General Committee meeting held on Tuesday, November 9th, 2004 at 7:00 p.m. at the Town of Pelham Fire Station No. 2, 792 Welland Road, Fenwick.

ATTENDANCE:

Council:

Mayor R. Leavens
Councillor M. Allen
Councillor U. Brand
Councillor S. Cook
Councillor J. Durley
Councillor P. Papp
Councillor D. Urbanowicz

Staff:

Director of Planning Services, C. Larmour
Recording Secretary (Deputy Clerk) N. Bozzato

Other:

Martin Heikoop, Agent for Applicants
Domenic Dilalla, Agent for Applicants
Interested Citizens

1. CALLED TO ORDER:

The meeting was called to order by Mayor R. Leavens.

2. ADOPTION OF AGENDA:

RECOMMENDATION - MOVED BY COUNCILLOR U. BRAND, SECONDED BY COUNCILLOR S. COOK - THAT the agenda for the November 9th, 2004 regular General Committee meeting be adopted. CARRIED, CHAIR, MAYOR R. LEAVENS

3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:

Councillor D. Urbanowicz disclosed a pecuniary interest as she has had several discussions with this developer regarding water flow and drainage issues on her personal residential property. Councillor Urbanowicz left the meeting at this point and as such, did not participate in any discussion regarding this proposal. There were no further disclosures of pecuniary interest noted by members of the Committee.

At this point in the meeting, Mayor R. Leavens vacated the Chair and Councillor J. Durley assumed the Chair, as Chair of the Planning Services Division.

4. PUBLIC MEETING UNDER THE PLANNING ACT:

(A) Proposed Plan of Subdivision Application 26T19-97016 and Official Plan Amendment Application AM-06/97 – 1473944 Ontario Limited (Agent: Upper Canada Consultants):

Chair, Councillor J. Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then introduced Town of Pelham Director of Planning Services Craig Larmour who noted that the Town of Pelham Council has not made a decision on this application to date, nor have they discussed the proposal. He summarized the applications as detailed in Report P-45/04. Copies of this report were made available to members of the public.

The subject lands are situated on the west side of Balfour Street, south of Memorial Drive and north of Ker Crescent and Sandra Drive, consisting of 8.059 hectares (19.91 acres) and 5.701 hectares (14.09 acres) and is proposed to be developed for residential purposes. The balance of the land is to be used for park and roadway purposes.

The Plan of Subdivision proposes 58 lots for single detached dwelling use, one block for park and 1 block for a 0.3 metre reserve. The number of lots was reduced from a previous proposal for 70 single detached dwelling lots, in response to requirements of the Town of Pelham Council (previous) and the new proposal will implement the Official Plan and Zoning By-law. Concerns related to stormwater management, protection of the woodlot and the identification of a significant land form have been addressed, as well.

In accordance with Provincial Legislation, the application has been circulated to the pertinent government agencies, however few comments have been received to date and no objections have been submitted. Three letters have been received from private citizens that have been provided to members of Council.

Mr. Larmour stated that a recommendation report will be forwarded to Pelham Council taking into account the public comments and agency reports received at a later date. He advised that all persons who have indicated an interest in this proposal through the sign-in sheets will be notified when such report is submitted.

APPLICANT'S PRESENTATION:

Mr. Heikoop noted that the original plan for this property was presented to the public in the late 1990's, however issues relating to preservation of trees, grading and the number of lots proposed were raised. In response to these issues, the proposal has been revised to increase lot sizes along the northerly portion of the property to provide a building footprint substantially separated from the tree stand. The top of bank location has been determined and the trees are situated approximately 110 feet away from the road, which will provide sufficient room for situating dwellings.

With regard to drainage issues, the storm sewers are located at the southwest corner of the property and are already sized to service the entire property. The lands will drain to the storm sewers and not the valley. Swales around the parameter of the lots will be directed to the storm sewer system and it is proposed to establish rear lot catch basins. The ground elevations will be lowered to be the same as existing lots along Sandra Drive which is intended to reduce any impact on present property owners. The lot sizes have been increased to comply with the Zoning By-law requirements. Mr. Heikoop noted that an issue regarding a septic tile bed easement on a neighbouring property has been addressed and an agreement to relocate a sewer to service the existing dwelling has been reached.

PUBLIC INPUT:

Mr. Dave Watson, on behalf of his mother Elena Watson of 11 Ker Crescent, Fenwick, had submitted a letter indicating no objection to the subdivision. The letter, also signed by Mr and Mrs. Deliman, 9 Ker Crescent, Fenwick, and Mrs. MacPherson, 7 Ker Crescent, Fenwick, expressed concern regarding the grades of their properties. These residents are requesting that the grading plan for the proposed development demonstrate that all drainage from the subject property is contained within the proposed Plan, including overland flow from major events. Also, such grading should ensure that the proposed lots are not significantly higher than existing abutting lots and that the new homes be at a similar elevation to those existing on the abutting lots.

Mr. Heikoop noted that they have not completed the detailed design for the grading plan, however did indicate that the grade elevation of the rear of the lots will match the grades of existing properties.

Mr. John Deliman, 9 Ker Crescent, noted that there is a natural slope to the lands from south to north. He requested to view the proposed elevations and opposed any significant difference in elevations from existing dwellings to the proposed ones. Mr. Heikoop responded that the grade at the rear of the new lots will incorporate a minimal slope, being approximately 16" from the finished elevation to the property line, as required for drainage. The road will also be lowered approximately 2 metres. Due to the roll of the land, the front of the dwellings will be one storey and the rear of the dwellings will be two-storey.

Kim Boucher, 55 Sandra Drive, Fenwick, noted that there is a significant amount of fill situated on what is depicted as Lots 27 and 28 of the proposed plan which was placed there from the previous development. She then questioned, if only a 16" change in elevation is contemplated, why a rear yard walkout design is proposed against lots along Ker Crescent and Sandra Drive. She was also concerned that the new dwellings will look down on to existing residential properties.

Brian Baty, 742 Memorial Drive, Fenwick, noted that Street "D" appears to come to a dead end and questioned this if there is the intent to maintain the existing stand of trees in this northwesterly portion of the development. Mr. Heikoop responded that there is property abutting to the west that requires a street pattern towards Maple Street, and as such this proposed street pattern will facilitate orderly development of those lands. In response to a further question by Mr. Baty regarding these abutting lands, Mr. Larmour advised that they will not be frozen by the new Provincial Greenbelt Legislation, and that the lands are already designated within the Village of Fenwick for residential development.

Brian Calvert, 715 Memorial Drive, Fenwick, questioned why the proposal has decreased the number of proposed lots. Mr. Larmour advised that the reason for establishing the larger lot sizes is due to a decision by the previous Pelham Council and their commitment to the residents of the Cherry Ridge subdivision. The citizens did not want small lots to be established in this area. In response to a query by Mr. Calvert, Mr. Larmour stated that the Town of Pelham has sufficient land supply to meet the Provincial requirement for a 10 year supply, albeit not within Fenwick.

Mark Iannizzi, 5 Ker Crescent, Fenwick, questioned when grading plans will be available for review by existing residents. He noted that he has historically experienced flooding in his basement and sod, weeping tiles and stone being washed away. He questioned what consideration will be given to adequately address these

existing drainage issues. Mr. Heikoop stated that he will provide the Planning Director with the grading plan prior to Planning Committee consideration, and such can be provided to residents for review. He also reaffirmed that they will incorporate rear lot catch basins directed to the storm sewers to handle all of the water from the new lots.

Rodney Wright, R.R.1, Fenwick, stated that he resides approximately ½ mile away from the subject lands. He stated that he has experienced increased problems with flooding on his property since the construction of the existing subdivision and he questioned what is intended to be done to alleviate the problem in conjunction with the proposed plan. He stated that he was previously advised that provisions would be made for extra storm water management solutions however there has been no solution to the situation as yet and no changes in the drainage problems being experienced in the area.

Mr. Heikoop stated that the Director of Operations is investigating the existing system and echoed his previous comments regarding installation of catch basins and a soakaway pit to handle drainage for the new development. The stormwater pond has been sized to accommodate development on the subject lands, and the developer will continue to deal with the drainage issues as a result of the development. Mr. Wright indicated that he has not received any response from the Operations department to date regarding his concerns.

Mr. Larmour indicated that he will request that the Director of Operations to address these concerns outside of his comments on this particular proposal and to contact Mr. Wright. Mr. Wright stated that the original agreement indicated that water flows wouldn't change the drainage from the subdivision, however he has experienced problems since the construction. He made his concerns clear at a meeting on March 19, 2004 with Town Operations and Drainage staff, as well as some of the members of Council. A letter was submitted requesting a response to the concerns, however resolution has not been provided.

Brian Fear, 55 Sandra Drive, Fenwick, requested to receive a copy of the drainage plan for review and also queried if there would be any follow up meetings to this one once the drainage plans have been submitted. Chair Durley advised that the Town staff and developers will take into consideration the comments and concerns expressed at this meeting and present a report to the Planning Services Division of General Committee at a future date. All parties who have provided their name on the registration form will be provided with notice of this meeting.

Helen Johnston, 762 Memorial Drive, Fenwick, stated that her property is along the route of runoff from existing properties within this subdivision and was concerned that additional dwellings would add to the flooding problems being experienced. She also noted that dug wells for properties along Memorial Drive have become contaminated due to the existing development. Mr. Heikoop stated that stormwater will be directed to storm drains and not to the watercourse referred to by Mrs. Johnston.

John Deliman stated that the water pressure is extremely low in the existing subdivision, particularly between 4:00 and 6:00 p.m. He requested a guarantee that there would be ample water pressure available and it would not be reduced further as a result of this development. He also requested a guarantee that he will receive no drainage water from the newly developed lots.

Mr. Heikoop agreed to speak with the Director of Operations regarding the water pressure concerns, noting that he had not been aware of this problem previous to Mr. Deliman's comments this evening. He stated that it is the intent of the developer to construct the subdivision in an orderly fashion with no infrastructure problems.

Irma Purchase, 728 Memorial Drive, Fenwick, advised that she had submitted written comments to the Committee, which was acknowledged by Chair Durley.

Cheryl Vangameren, 47 Sandra Drive, Fenwick, questioned if the new development will be completed all at one time or if it will be constructed in phases. She was concerned that if the development is constructed in phases, water issues will be heightened. Mr. Heikoop assured those present that they will deal with the water issues, and noted that if the subdivision is phased it will likely begin in the southwest corner.

Kim Boucher also requested information on phasing plans, noting that the existing roads have not yet been completed with the topcoat of asphalt and that they likely would not be completed until the new phase is complete. Mr. Iannizzi noted that there are still vacant lots within the existing subdivision and he also requested some type of timeline for completion. Mr. Larmour advised that this development is actually a new Plan of Subdivision and not an additional phase of the existing one. He also stated that subdivision agreements are more strict in nature now than they were in the past with regard to such matters as top layers of asphalt, construction routes, etc. The Town does not have a policy to require completion of one development prior to the start of construction on another. Several residents agreed that they would appreciate knowing the planned timelines for completion.

Mr. Heikoop noted that the construction process will be controlled somewhat by the seasons of the year with regard to such matters as servicing and paving. They expect to begin the first phase of the construction next summer and anticipate a one to two year span to complete construction. There may be different phases involved, noting that it is not normal to complete an entire development at one time.

David Watson expressed concerns regarding the use of catch basins and swales on each individual property, noting that many property owners tend to fill these in over time, or plant landscaping materials in the swales. He suggested that the drainage direction be reversed to ensure drainage patterns are directed to the roads to reduce the threat of negative impact on existing property owners in the future. There is already an overland drainage problem in this area and Mr. Watson stated that he does not want to see this problem increased.

Mr. Wright expressed some difficulty with stormwater ponds as well, noting that they are not well maintained and become overridden with bulrushes, etc. and as such become ineffective over time. He was disappointed that the specific drainage plans were not available at this meeting for review by the citizens. However, Mr. Larmour advised those present that the purpose of a Public Meeting under the Planning Act is to make the public generally aware of the general details of a development and is not intended to facilitate a detailed review of engineering plans. He assured that all plans require approval in accordance with Ministry policies and guideline requirements and will be reviewed and approved by qualified engineers prior to any construction taking place. He suggested that should Council have concerns regarding findings of an engineer, they could require a peer review. Mr. Larmour noted that this is the process throughout Ontario, in accordance with the Planning Act.

The public will be made aware of the application as it is presented to the Planning Services Division and will be given another opportunity to review the proposal.

Grant Hillborn, 56 Sandra Drive, Fenwick, noted that there was a large hill to the rear of his property when he purchased it, however significant changes have been made since that time and the hill has been removed. He was concerned regarding the changes that have already occurred and what is proposed, noting this was not what he thought he was buying into when he purchased his home.

John Deliman stated that the elevation to the rear of his property is not the natural elevation and that fill was dumped there from another area within this overall development. Mr. Heikoop stated that the grades proposed will be lower than what was previously in existence. These piles of fill are temporary.

COMMITTEE INPUT:

Councillors acknowledged the concerns of those present and noted that they will all be taken into consideration when Council is considering the Plan of Subdivision. Mayor Leavens echoed these remarks and noted that the developer will look into the concerns raised at this meeting and address the issues accordingly.

Councillor Brand noted that a number of comments have been made regarding the process for approval. The next official step will be a recommendation report to the Planning Division of General Committee. He requested that staff bring forward and review the previous documentation for the subdivision, noting that commitments were made to current property owners regarding any impacts. Issues pertaining to water flows, discharge parameters and the stormwater management pond were previously discussed as well.

Councillor Brand requested that the Director of Operations follow up regarding the existing drainage issues and report to the Planning Committee on the resolution of the problems. He also requested that Mr. Heikoop prepare a detailed drainage plan including flow patterns. He indicated support of soakaway pits as they take the pressure away from stormwater ponds, however Councillor Brand indicated that he does not support swales and catch basins on individual properties as they are often filled in with private landscaping projects and as such, are difficult to maintain and monitor by the Town.

Councillor Brand assured those present that the matters regarding water pressure will be reviewed with staff. He requested that the developers install silt fencing as an erosion control measure during construction and that further consideration be given to draining towards the road rather than using individual catch basins.

The public meeting was declared closed by the Chair at approximately 8:05 p.m.

RECOMMENDATION - MOVED BY COUNCILLOR U.BRAND, SECONDED BY COUNCILLOR S.COOK - THAT Report P-45/04 re Town Official Plan Amendment Application AM-06/97 - Plan of Subdivision Application 26T19-97016 - 1473944 Ontario Limited (Agent: Upper Canada Consultants) be received; AND THAT the recommendation contained therein be approved, as follows: "THAT the Committee recommend to Council that a Recommendation

Report on this matter be presented at a subsequent meeting of the General Committee." CARRIED, CHAIR, COUNCILLOR J. DURLEY.

RECOMMENDATION – MOVED BY COUNCILLOR S. COOK, SECONDED BY COUNCILLOR U. BRAND – THAT the following communications submitted with respect to Town of Pelham Official Plan Amendment Application AM-06/97 & Plan of Subdivision Application 26T19-97016 – 1473944 Ontario Limited (Agent: Upper Canada Consultants) be received:

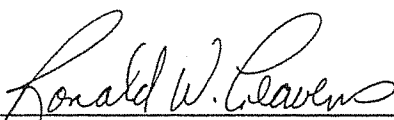
- Murray Brian Calvert – 715 Memorial Drive, Fenwick
- Elena Watson, 11 Ker Crescent; John & Terry Deliman, 9 Ker Crescent and Marie MacPherson, 7 Ker Crescent, Fenwick
- Michelle Purchase, on behalf of Wayne and Irma Purchase, 728 Memorial Drive, Fenwick

CARRIED, CHAIR, COUNCILLOR J. DURLEY.

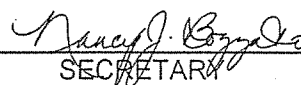
At this point in the meeting Chair, Councillor J. Durley vacated the Chair and the Chair was assumed by Mayor R. Leavens.

5. ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR S. COOK, SECONDED BY COUNCILLOR U. BRAND - THAT this regular meeting of the General Committee be adjourned until the next regular meeting scheduled for MONDAY, MONDAY, NOVEMBER 15TH, 2004, unless sooner called by the Chair. CARRIED, CHAIR, MAYOR R. LEAVENS



CHAIR



SECRETARY

PLANNING SERVICES REPORT

P-45/04

TO: Chair, Councillor John Durley, and Members of the General Committee,
Planning Services Division

FROM: Craig Larmour, Director of Planning Services

DATE OF REPORT: November 03, 2004

DATE OF MEETING: November 09, 2004

SUBJECT: Town Official Plan Amendment Application AM-06/97
Plan of Subdivision Application 26T19-97016
1473944 Ontario Limited (Agent: Upper Canada Consultants)

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-45/04 regarding Town Official Plan Amendment and Plan of Subdivision, Cherry Ridge Extension – 1473944 Ontario Limited - Part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham;

AND FURTHER THAT a Recommendation Report on this matter be presented at a subsequent meeting of the General Committee.

LOCATION, BACKGROUND, PROPOSAL AND POLICY**1. Location**

The subject lands are located on the west side of Balfour Street, lying south of Memorial Drive and north of Ker Crescent and Sandra Drive. The lands are legally described as part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham. A map illustrating the location of the lands is included as Attachment No. 1 to this report.

2. Background

The applicant's land holding consists of 8.059 hectares (19.91 acres) of which 5.701 hectares (14.09 acres) is proposed to be developed for residential purposes. The balance of the land is to be used for park and roadway purposes.

This application was first circulated in 1997 at which time the applicant was proposing the creation of seventy (70) single detached dwelling lots. It was also proposed that the policies of the Official Plan be amended to expand the Fenwick Sanitary Sewer Area and to permit a reduction in the required lot area. Similarly, an amendment to the Zoning By-law was proposed to reduce the lot area requirement for single detached lots.

Cont.../2

A public meeting concerning the proposal was convened by the Region and the Town to consider a revised proposal for sixty-eight (68) lots on July 12, 1999.

Since that time, the proposed development has been on hold for a number of reasons, including affording the proponent opportunity to address agency and public concerns.

The plan has now been revised in order to address concerns related to stormwater management, the protection of the woodlot and the identification of a significant land form. Additionally, the applicant has abandoned the proposed amendments to the Official Plan and Zoning By-law to reduce the lot area requirement.

3. Proposal

The current applications seek approval of an amendment to the Town of Pelham Official Plan and of a plan of subdivision.

The proposed Official Plan amendment is intended to expand the Fenwick Sanitary Sewer Area to encompass the lands proposed to be developed in order to permit development on full urban services.

The plan of subdivision proposes the creation of fifty-eight (58) lots for single detached dwelling use, one (1) block for park and one (1) block for 0.3 metre reserve. A copy of the proposed plan of subdivision is included as Attachment No. 2 to this report.

4. Planning Act

Section 51 of the Planning Act contains various provisions concerning the subdivision of land, including Section 51(24) which requires that regard be had, among other matters, to health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivisions with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*

- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and*
- (l) *the physical layout of the plan having regard to energy conservation.*

5. Provincial Policy Statement

It is required that a municipality shall have regard to policy statements issued under the *Planning Act* in considering development proposals.

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns.

Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.2.1 states:

Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

- a) *maintaining at all times at least a 10-year supply of land designated and available for new residential development and residential intensification;*
- b) *maintaining at all times, where new development is to occur, at least 3-year supply of residential units with servicing capacity in draft approved or registered plans;*
- c) *encouraging housing forms and densities designed to be affordable to moderate and lower income households;*
- d) *encouraging all forms of residential intensification in parts of built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification; and*
- e) *establishing cost-effective development standards for new residential development and redevelopment to reduce the cost of housing.*

Concerning infrastructure, Section 1.3.1 of the PPS provides the following policy for sewage and water systems:

Cont../4

- a) *full municipal sewage and water services are the preferred form of servicing for urban areas and rural settlement areas. In areas serviced by full municipal sewage and water services, lot creation will be permitted only if sufficient reserve water and sewage plant capacity will be available to accommodate it;*
- b) *communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term; and*
- c) *lot/unit creation may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term; but*
- d) *partial services will be discouraged except where necessary to address failed services, or because of physical constraints.*

6. Regional Policy Plan

The lands lie within the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The following Sections of the Plan apply to the proposed development:

- 5.4 *Individual urban development proposals within urban areas will be dependent on the availability of adequate municipal water, sewer, stormwater and road services to meet the anticipated increased requirements resulting from the development. Individual development projects without the full range of urban services will only be permitted in special cases and under special circumstances where the lack of complete services will not be a detriment to the environment, the private development, the municipality or to the efficient use of land.*
- 5.5 *The primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.*

Despite the predominance given the local plans, several aspects of these local plans are considered to be of Regional significance and interest. Thus the Region expects these topics to be adequately covered in local documents, but the Region will maintain a continuing interest in them, and will review and comment on topics of Regional significance. These include:

- (a) the amount and distribution of low, medium and high density residential uses, and commercial and industrial uses;
- (b) policies supporting the provision of various forms of affordable housing within existing developed areas as well as in new subdivisions;
- (c) pedestrian as well as other transportation needs;
- (d) parks and recreation policies which consider demand, accessibility, and relationships to other land uses;
- (e) maps showing existing and proposed land uses, Regional and area municipal roads and community facilities (schools, parks, major institutions, etc.);

- (f) consideration of factors such as historic features, aesthetic values, adequate provision for public institutions, energy conservation, a distribution and density of buildings which contributes to a pleasing urban character, and the minimizing of conflicts between adjacent land uses.

In these respects, the Region considers that it shares an interest with the local municipalities in providing efficient, safe, attractive, and adequate facilities within the urban environment while recognizing that the detailed decisions will normally be the responsibility of the local municipality.

7. Town of Pelham Official Plan

The subject lands are located within the Fenwick Urban Area Boundary (UAB) and are designated Village Residential. The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The Sanitary Sewer Area delineates the area within Fenwick that is currently provided with urban sanitary sewer services. In this location, the Sanitary Sewer Area extends to the northerly limit of the existing Cherry Ridge development. The policies of the Plan envision that the majority of the lands within Fenwick will eventually be serviced.

8. Town of Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned Residential Village 1 RV1 according to Zoning By-law No. 1136 (1987), as amended. The RV1 Zone permits the use of lands for single detached dwelling use.

COMMENTS AND DISCUSSION

1. Agency Comments

a) Plan of Subdivision

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The **Town's Building Department**, the **Regional Public Health Department** and the **Niagara Regional Police Service** have informed that they have no objection to the proposed plan of subdivision.

b) Official Plan Amendment

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The Town's Building Department, the Regional Public Health Department and the Niagara Regional Police Service have informed that they have no objection to the proposed Official Plan amendment.

2. Public Comments

Notice of the application was mailed to all assessed property owners within 120 metres of the boundaries of the subject lands. Additionally, a Public Notice sign was posted on the lands at the Balfour Street frontage. No comments have been received to date.

3. Staff Comments

The purpose of this report is to make the Committee and public aware of the intent of the applications, the applicable policies and agency comments and to facilitate discussion between the interested parties.

A recommendation report will be prepared and presented to this Committee at a subsequent meeting of the General Committee.

ATTACHMENTS

1. General Location Map
2. Proposed Plan of Subdivision

Prepared by,

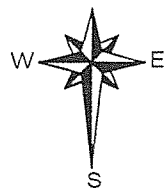


Craig Larmour, MCIP, RPP
Director of Planning Services

Approved and Submitted by,



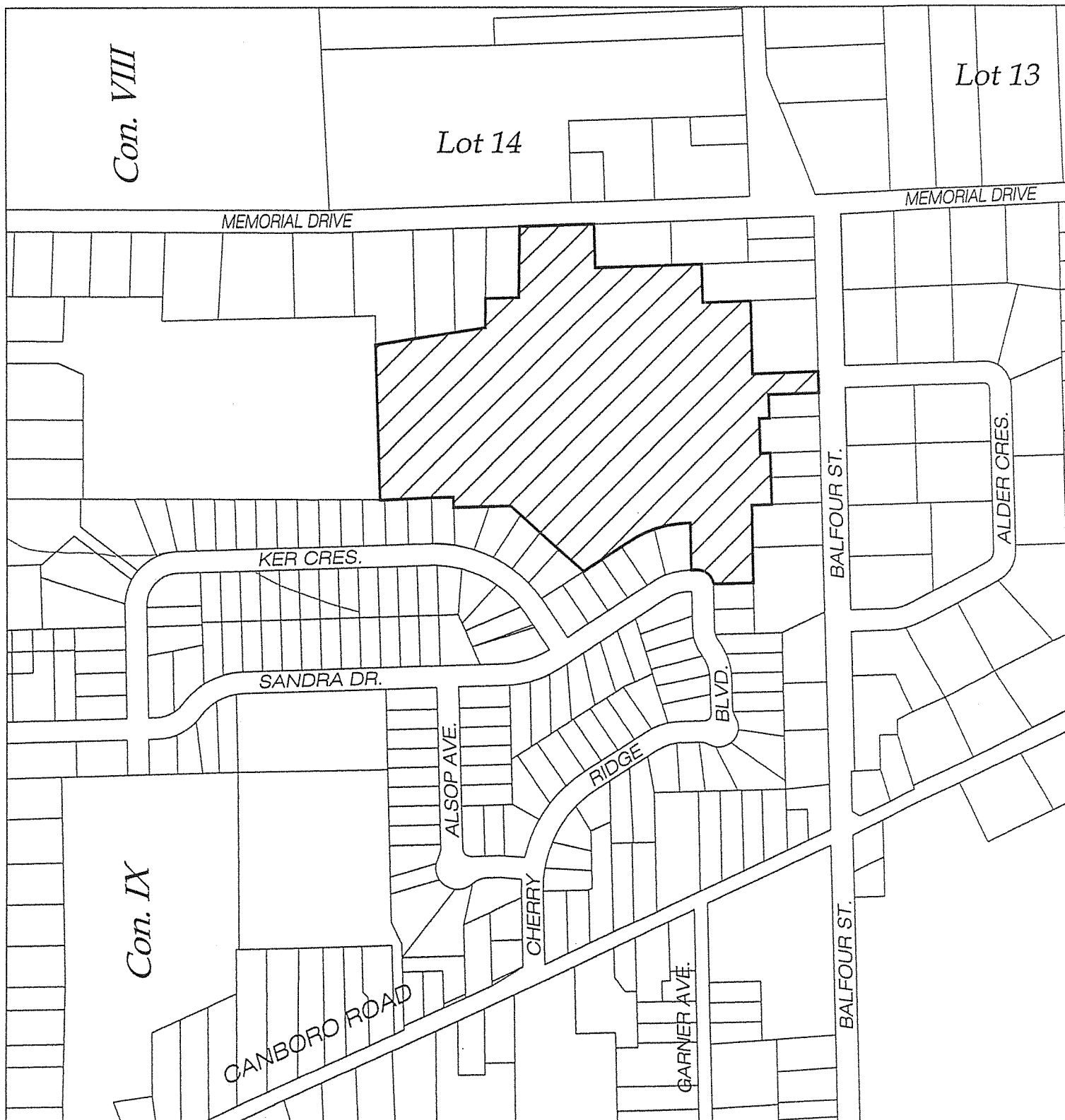
Gord Cherney
Chief Administrative Officer



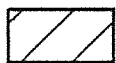
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LOCATION MAP

REPORT NO. P-45/6
ATTACHMENT NO.
PAGE NO. 1/1



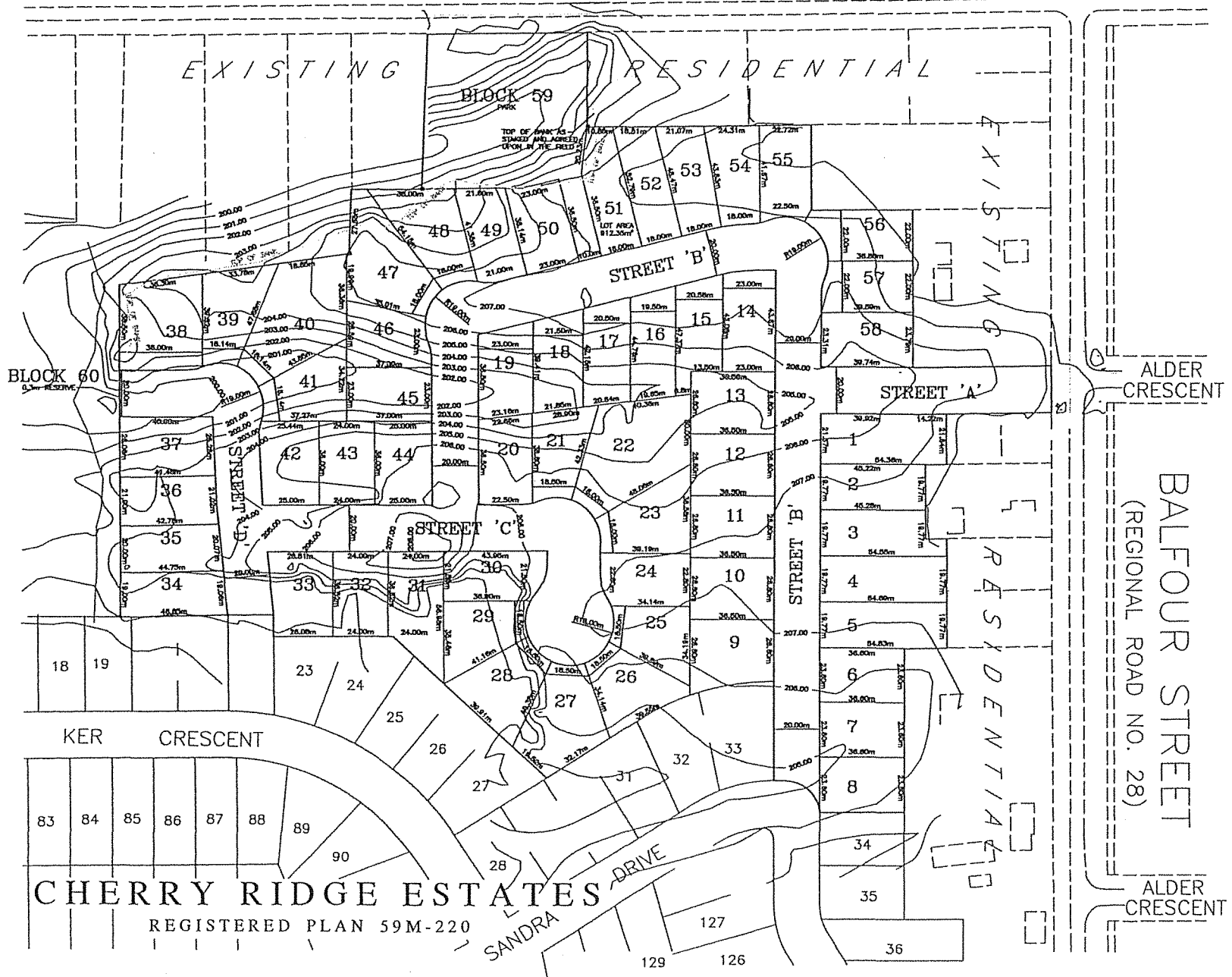
Subject Lands



MEMORIAL

DRIVE

FUTURE
RESIDENTIAL



Appendix E-1
Page 8/8
REPORT NO. P-45104
ATTACHMENT NO. 2
PAGE NO. 1/1

SKETCH TO SHOW

REDLINE REVISION TO CHERRY RIDGE EXTENSION

PLANNING SERVICES REPORT

P-08/05

TO: Chair, Councillor John Durley, and Members of the General Committee,
Planning Services Division

FROM: Craig Larmour, MCIP, RPP, Director of Planning Services

DATE OF REPORT: March 02, 2005

DATE OF MEETING: March 07, 2005

SUBJECT: Town Official Plan Amendment Application AM-06/97
Plan of Subdivision Application 26T-97016
1473944 Ontario Limited (Agent: Upper Canada Consultants)

RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-08/05 regarding Town Official Plan Amendment AM-06/97 and Draft Plan of Subdivision 26T-97016 - Cherry Ridge Extension – 1473944 Ontario Limited;

THAT the Cherry Ridge Extension Draft Plan of Subdivision (File No. 26T-97016) be approved, in accordance with the provisions of the *Planning Act* R.S.O. 1990 as amended, and regulations thereunder, subject to the conditions appended to this report as Attachment No. 1;

THAT all parties be advised of Council's decision on this application in accordance with Provincial regulations;

THAT the Mayor be authorized to endorse the draft plan as 'approved' twenty days after notice of Council's decision has been given, provided that no appeals against the decision have been registered;

THAT the applicant be advised that the Town's draft approval of this subdivision plan will lapse three years from the date of draft approval unless an extension of the approval period is granted by Town Council. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time;

THAT Official Plan Amendment Application AM-06/97 be approved for the purpose of expanding the Fenwick Sanitary Sewer Area;

THAT Staff be directed to prepare and present the necessary adopting by-law for consideration by Council;

Cont.../2

AND FURTHER THAT the applicant be directed to amend the zoning of Lots 47 to 51 inclusive, Lots 38 and 39 and Block 59 concerning the location of the ravine system, Type 2 fish habitat and endangered tree species.

LOCATION, PURPOSE, BACKGROUND AND POLICY

1. Location

The subject lands are located on the west side of Balfour Street, lying south of Memorial Drive and north of Ker Crescent and Sandra Drive. The lands are legally described as part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham. A map illustrating the location of the lands is included as Attachment No. 2 to this report.

2. Purpose

The current applications seek approval of an amendment to the Town of Pelham Official Plan and of a plan of subdivision.

The proposed Official Plan amendment is intended to expand the Fenwick Sanitary Sewer Area to encompass the lands proposed to be developed in order to permit development on full urban services.

The plan of subdivision proposes the creation of fifty-eight (58) lots for single detached dwelling use, one (1) block for park and one (1) block for 0.3 metre reserve. A copy of the proposed plan of subdivision is included as Attachment No. 3 to this report.

3. Background

The applicant's land holding consists of 8.059 hectares (19.91 acres) of which 5.701 hectares (14.09 acres) is proposed to be developed for residential purposes. The balance of the land is to be used for park and roadway purposes.

This application was first circulated in 1997 at which time the applicant was proposing the creation of seventy (70) single detached dwelling lots. It was also proposed that the policies of the Official Plan be amended to expand the Fenwick Sanitary Sewer Area and to permit a reduction in the required lot area. Similarly, an amendment to the Zoning By-law was proposed to reduce the lot area requirement for single detached lots.

A public meeting concerning the proposal was convened by the Region and the Town to consider a revised proposal for sixty-eight (68) lots on July 12, 1999.

Since that time, the proposed development has been on hold for a number of reasons, including affording the proponent opportunity to address agency and public concerns.

The plan was revised in order to address concerns related to stormwater management, the protection of the woodlot and the identification of a significant land form. Additionally, the applicant has abandoned the proposed amendments to the Official Plan and Zoning By-law to reduce the lot area requirement.

More recently, a public meeting was convened by the Town on November 09, 2004. Stormwater management, grading and movement of construction vehicles were the main topics of discussion at that meeting. Several property owners requested the provision of preliminary grading plans in order to gain an understanding of the elevations proposed for the development. A copy of the plan has been displayed in the Town Hall for public view since the beginning of January 2005.

4. Planning Act

Section 51 of the Planning Act contains various provisions concerning the subdivision of land, including Section 51(24) which requires that regard be had, among other matters, to health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivisions with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*
- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and*
- (l) *the physical layout of the plan having regard to energy conservation.*

5. Provincial Policy Statement

It is required that a municipality shall have regard to policy statements issued under the *Planning Act* in considering development proposals.

Section 1 of the Provincial Policy Statement (PPS) provides policy promoting efficient, cost-effective development patterns. Policy 1.1.1 a) states:

Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth.

Policy 1.1.2 a) states:

The provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years.

Policy 1.2.1 states:

Provision will be made in all planning jurisdictions for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the housing market area by:

- a) maintaining at all times at least a 10-year supply of land designated and available for new residential development and residential intensification;*
- b) maintaining at all times, where new development is to occur, at least 3-year supply of residential units with servicing capacity in draft approved or registered plans;*
- c) encouraging housing forms and densities designed to be affordable to moderate and lower income households;*
- d) encouraging all forms of residential intensification in parts of built-up areas that have sufficient existing or planned infrastructure to create a potential supply of new housing units available from residential intensification; and*
- e) establishing cost-effective development standards for new residential development and redevelopment to reduce the cost of housing.*

Concerning infrastructure, Section 1.3.1 of the PPS provides the following policy for sewage and water systems:

- a) full municipal sewage and water services are the preferred form of servicing for urban areas and rural settlement areas. In areas serviced by full municipal sewage and water services, lot creation will be permitted only if sufficient reserve water and sewage plant capacity will be available to accommodate it;*
- b) communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term; and*

- c) *lot/unit creation may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term; but*
- d) *partial services will be discouraged except where necessary to address failed services, or because of physical constraints.*

6. Regional Policy Plan

The lands lie within the Fenwick Urban Area Boundary (UAB) as identified by the Regional Policy Plan. The following Sections of the Plan apply to the proposed development:

- 5.4 *Individual urban development proposals within urban areas will be dependent on the availability of adequate municipal water, sewer, stormwater and road services to meet the anticipated increased requirements resulting from the development. Individual development projects without the full range of urban services will only be permitted in special cases and under special circumstances where the lack of complete services will not be a detriment to the environment, the private development, the municipality or to the efficient use of land.*
- 5.5 *The primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.*

Despite the predominance given the local plans, several aspects of these local plans are considered to be of Regional significance and interest. Thus the Region expects these topics to be adequately covered in local documents, but the Region will maintain a continuing interest in them, and will review and comment on topics of Regional significance. These include:

- (a) *the amount and distribution of low, medium and high density residential uses, and commercial and industrial uses;*
- (b) *policies supporting the provision of various forms of affordable housing within existing developed areas as well as in new subdivisions;*
- (c) *pedestrian as well as other transportation needs;*
- (d) *parks and recreation policies which consider demand, accessibility, and relationships to other land uses;*
- (e) *maps showing existing and proposed land uses, Regional and area municipal roads and community facilities (schools, parks, major institutions, etc.);*

- (f) *consideration of factors such as historic features, aesthetic values, adequate provision for public institutions, energy conservation, a distribution and density of buildings which contributes to a pleasing urban character, and the minimizing of conflicts between adjacent land uses.*

In these respects, the Region considers that it shares an interest with the local municipalities in providing efficient, safe, attractive, and adequate facilities within the urban environment while recognizing that the detailed decisions will normally be the responsibility of the local municipality.

7. Town of Pelham Official Plan

The subject lands are located within the Fenwick Urban Area Boundary (UAB) and are designated Village Residential. The Village Residential policies are intended to permit the predominant use of land for single detached dwellings. Ancillary uses such as institutional uses, parks, schools, community facilities and public utility uses shall also be permitted.

The Sanitary Sewer Area delineates the area within Fenwick that is currently provided with urban sanitary sewer services. In this location, the Sanitary Sewer Area encompasses the majority of the existing Cherry Ridge development. The policies of the Plan envision that the majority of the lands within Fenwick will be serviced.

8. Town of Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned Residential Village 1 RV1 according to Zoning By-law No. 1136 (1987), as amended. The RV1 Zone permits the use of lands for single detached dwelling use.

COMMENTS AND DISCUSSION

1. Agency Comments

The applications were circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The **Town's Operations Department** has indicated that there is no objection to the proposal provided the recommended conditions of draft approval are implemented. A copy of the Department's correspondence is included as Attachment No. 4.
- The **Regional Planning and Development Department** has provided detailed comments concerning the proposed development. A copy of the correspondence is included as Attachment No. 5.
- The **Niagara Peninsula Conservation Authority** has submitted correspondence concerning stormwater drainage, valleylands and fish habitat. A copy of their correspondence is included as Attachment No. 6 to this Report.

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- The Town's Building Department, the Regional Public Health Department and the Niagara Regional Police Service have informed that they have no objection.

2. Public Comments

A Public Meeting was convened on Tuesday, November 09, 2004 at the Fenwick Fire Hall. A large number of area residents and their representatives attended the meeting. A copy of the correspondence received in response to the applications is included as Attachment No. 7.

3. Staff Comments

OFFICIAL PLAN AMENDMENT

The purpose of the Official Plan Amendment is to permit the expansion of the Fenwick Sanitary Sewer Area to include the subject lands. The proposed Amendment is intended to encompass the subject lands for the purpose of accommodating the provision of full municipal services within the proposed plan of subdivision.

The Provincial Policy Statement and the Regional Policy Plan are consistent in recognizing that development on full municipal sewage and water services is preferred in urban and rural settlement areas.

The existing location of the boundary reflects the Town's previous understanding of the capacity of the sanitary sewer system to accommodate development within Fenwick. However, the applicant has demonstrated to the satisfaction of the Town that the existing sanitary sewer system is capable of accommodating the anticipated flow generated by the proposed development.

In consideration of the fact that the additional flow will not jeopardize the proper functioning of the sanitary system, Planning Staff are supportive of the application to accommodate development on full municipal services.

In conclusion, Planning Staff recommend approval of the requested Official Plan Amendment to expand the Sanitary Sewer Area.

PLAN OF SUBDIVISION

The proposed Plan of Subdivision is considered to comply with the intent of the Provincial Policy Statement, the Regional Policy Plan and the Town of Pelham Official Plan, as amended.

Transportation

There are three points of access proposed for the development; Balfour Street, Kerr Street and the extension of Cherry Ridge Boulevard. One additional connection (Street 'C') is

Cont.../8

proposed to access lands to the west at such time as development of that vacant parcel occurs. Proper design will be confirmed through the approval of the Operations Department as required in the recommended conditions of draft approval.

Water Supply

The proposed subdivision will be serviced by connection to the municipal watermain through the extension of the existing service. Proper design will be confirmed through the approval of the Operations Department as required in the recommended conditions of draft approval.

Sanitary Sewer

The proposed subdivision will be serviced by extension of the existing sanitary sewer system. Proper design will be confirmed through the approval of the Operations Department as required in the recommended conditions of draft approval.

Sidewalks

As a condition of approval, the applicant will be required to construct sidewalks in accordance with Town policy.

Stormwater Management

Stormwater management and lot grading have been topics of much discussion with the public. Staff are aware that Councillor Allen has attempted to assist in the resolution of the residents concerns regarding the use of swales, the elevation of lots adjacent to existing development and stormwater management generally. The applicant's agent has also assisted by generating an alternative grading plan to that originally proposed and provided for public review. At the time that this report was completed, no written correspondence had been received concerning a resolution.

The stormwater from the proposed development is intended to be accommodated within the stormwater management facility currently servicing development of the existing Cherry Ridge development.

The Region and the Niagara Peninsula Conservation Authority have raised two specific issues relating to stormwater management for which they have indicated a need for additional information. Firstly, the Region and Conservation Authority have requested that the Town ensure that the stormwater management facility and infrastructure is adequately sized to accommodate additional flows from the proposed development. Secondly, they have indicated concern that the rear yards of Lots 47 to 55 inclusive drain north into the existing ravine between the proposed subdivision and Memorial Drive.

Conditions of draft approval require that a stormwater management plan be submitted to the Town, Region and Niagara Peninsula Conservation Authority for review and approval. Design of the system will also require the issuance of a Certificate of Approval by the Ministry of Environment.

Archaeological Resources

The Regional Planning Department has identified the site as displaying high potential for the discovery of archaeological resources. As a result, an archaeological assessment will be required as a condition of draft approval.

Natural Resources

Block 59 contains several specimens of the Cucumber Magnolia Tree which is identified as being endangered by the Ministry of Natural Resources and protected under the Provincial *Endangered Species Act*. The Region and the Niagara Peninsula Conservation Authority have requested that consideration be given to redesignating and rezoning this Block to ensure its long term protection from future development.

The Niagara Peninsula Conservation Authority has identified the location of an existing slope adjacent to the park area occupying portions of the northerly limit of the development area (Lots 47 to 51 inclusive and Lots 38 and 39). The Authority advises that it is necessary to maintain a 7.5 metre setback from the top of slope for structural development in order to ensure stability and to minimize the potential for soil erosion and sedimentation. The Conservation Authority have requested that a restrictive be implemented to enforce the recommended setback.

The Conservation Authority has also identified the location of an unnamed tributary to the Fifteen Mile Creek that traverses the northern part of the subject lands. The Ministry of Natural Resources has designated this tributary as a Type 2 fish habitat requiring a 15 metre vegetated buffer. The Authority recognizes that restrictive zoning for the 7.5 metre setback from top of bank would address the issue of a buffer.

Affordability

The Region has indicated that the housing units provided within this plan are not considered to be affordable, however, the Region has not provided figures for what is considered affordable. As previously noted, the Provincial Policy Statement encourages housing forms and densities designed to be affordable to moderate and lower income households.

Planning Staff note that opportunities for affordable housing remain within Lot 177 where multi-family developments may be accommodated. As well, the northern area of the expanded Fonthill East Urban Area (Area 2) holds potential for the accommodation of a wide range of housing types.

Institutional/Recreational Uses

The District School Board of Niagara has not provided any comment concerning the proposed subdivision. It is assumed that future students will attend E.W. Farr and Pelham Centre Public Schools and E. L Crossley Secondary School. Comments have not been received from the Niagara District Catholic School Board, however, it is assumed that future students will attend St. Ann Catholic School and Notre Dame College.

A block of land (Block 59) within the proposed development is intended to be conveyed to the Town for passive park use. Other opportunities for recreation exist at Centennial Park, located to the north on Church Street.

On this basis, the subject site appears to be adequately served by various institutional and recreational facilities within the general vicinity of the subject lands.

Zoning

Planning Staff are of the opinion that the northern portion of the lands (Lots 47 to 51 inclusive, Lots 38 and 39 and Block 59) occupied and affected by the ravine system, Type 2 fish habitat and endangered tree species should be rezoned in a manner recognizing their importance and sensitivity.

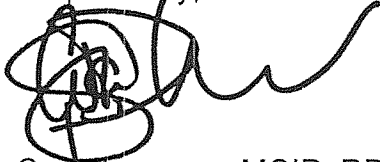
With respect to the balance of the lands, the current Residential Village RV1 zoning is considered appropriate for the proposed development.

Planning Staff are of the opinion that the application for plan of subdivision complies with the requirements of Section 51(24) of the *Planning Act* and that the proposed development of the lands is suitable subject to the recommended conditions of draft approval.

ATTACHMENTS

1. Conditions of Draft Approval
2. General Location Map
3. Proposed Plan of Subdivision
4. Director of Operations comments, dated January 31, 2005
5. Regional Planning and Development Department comments, dated December 22, 2004
6. Niagara Peninsula Conservation Authority comments, dated November 25, 2004
7. Various comments submitted by Members of the Public

Prepared by,



Craig Larmour, MCIP, RPP
Director of Planning Services

Approved and Submitted by,



Gord Cherney
Chief Administrative Officer

CONDITIONS OF DRAFT APPROVAL
CHERRY RIDGE EXTENSION SUBDIVISION
TOWN OF PELHAM

The conditions for final approval and registration of the Cherry Ridge Extension Subdivision, 1473944 Ontario Limited, Town of Pelham, File 26T19-97016 are:

1. That this approval applies to the Cherry Ridge Extension Draft Plan of Subdivision, Part of Lots 14, 22, 23 and 24, Registered Plan No. 703, Town of Pelham prepared by William A. Mascoe, OLS, July 21, 2003 containing fifty-eight (58) single detached dwelling lots, one (1) block for park purposes and one (1) block for 0.3 metre reserve.
2. That the Owner receive final approval from the Town for requisite official plan and zoning by-law amendments in order to provide appropriate policy to guide the development of the lands within the subdivision.
3. That the Owner provide three (3) calculated plans and an electronic file prepared by an Ontario Land Surveyor and a letter to the Town's Planning Services Department confirming that all lots comply with the Town's Comprehensive Zoning By-law.
4. That the Owner provide six (6) copies of the pre-registration plan to the Town's Planning Services Department and a letter stating how all the conditions imposed have been or are being fulfilled.
5. That all roadways to be dedicated as public highways and named to the satisfaction of the Town.
6. That the Owner pay all relevant development charges in force at the time of issuance of building permits.
7. That the Owner grant and convey to the Town any easements required for servicing the subdivision.
8. That the Owner pay cash-in-lieu of parkland dedication to the satisfaction of the Town.
9. That the Owner enter into separate agreements with the appropriate utility companies to provide electrical distribution, cable TV distribution, natural gas and telephone service to each lot within the subdivision and grant any easements to the utility companies as determined necessary by the utility companies to provide utility service to each lot within the subdivision.

NOTE: *All such shallow utility plants shall be constructed underground*

10. That the Owner enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Town, and if no such conditions are imposed, the Owner shall advise the Town of the arrangement made for such servicing.

11. That the Lot Grading and Drainage Policy of the Town be applied to this subdivision with amendments as necessary to take into consideration the characteristics of the site.
12. That the subdivision be designed and constructed in accordance with established Town practices, guidelines and policies which in part include the following:
 - a) All subdivision road allowances be 20 metres in width.
 - b) A water distribution system, sanitary sewer system and storm sewer system.
 - c) 1.5 metre wide concrete sidewalks to be installed at various locations determined by the Town consistent with Town policy related to provisions of sidewalk in all new development.
13. That the Owner enter into a Subdivision Agreement with the Town to satisfy all requirements, financial and otherwise related to the development of the subject lands.
14. That the Subdivision Agreement between the Owner and the Town be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
15. That the Owner submit a Solicitor's 'Certificate of Ownership' for the Subdivision to the Town's Solicitor prior to preparation of the Subdivision Agreement.
16. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Town and Regional Planning and Development Department for review and approval copies of the following plans for the subdivision designed and sealed by a suitably qualified professional engineer:
 - a) the Owner provide detailed lot grading and drainage plans, indicating both existing and proposed grades and means whereby system flows will be accommodated across the site to the Town for review and approval;
 - b) That the Owner provide detailed sedimentation and erosion control plans, indicating how sedimentation and soil erosion will be controlled during and after the construction phase, in accordance with the Ministry of Environment and Energy document entitled "Guidelines on Erosion and Sedimentation Control for Urban Construction Sites", 1987, to the Town for review and approval; and
 - c) That the subdivision agreement contain provisions whereby the owner agrees to implement these approved plans.

NOTE: *The Region will request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plan as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.*

17. That the Owner agree to re-vegetate or otherwise restore all disturbed areas immediately upon the completion of the works to the satisfaction of the Town.
18. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan designed and sealed by a suitable qualified professional engineer, to the Town for review and approval. Said plan shall indicate the following:
 - a) The manner in which stormwater will be conveyed across and away from the site, in both major and minor systems, using storm water management techniques in accordance with the Ministry of Environment publication entitled "Stormwater Management Practices and Design Manual", March 2003, as revised;
 - b) A detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed (at minimum, the stormwater management system would provide Level 2 protection for downstream fisheries resources); and
 - c) Site grading plans.
19. That prior to final approval, the owner provide to the Town and Regional Public Works Department confirmation through a professional engineer that the existing stormwater management facility for the initial Cherry Ridge Subdivision (26T-89026)(Phase 1) was designed and constructed to adequately service development of these lands.
20. That the Owner provide a detailed servicing design drawing for the water, sanitary sewers, storm sewers and storm water facilities, required to service the subject lands to the Town's Operations Department and Regional Niagara Public Works Department for review and approval.

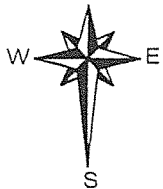
NOTE: *The proposed storm water management scheme may require the direct approval of the MOEE's Approvals Branch, Toronto.*
21. That prior to final approval and registration of this plan, the Owner shall obtain a Ministry of Environment and Energy "Certificate of Approval" to the satisfaction of the Town's Operations Department and Regional Public Works Department, for the required servicing of this plan of subdivision.
22. That the Owner acknowledge promptly to the Regional Planning and Development Department 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 final approval of the subdivision for registration purposes.
23. That immediately following notice of draft plan approval, the Owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town of Pelham.

24. That the Owner provide detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Town for review and approval.
25. That the Owner submit a Tree Saving or Preservation Plan to the Town of Pelham for review and approval, with a copy to the Regional Planning and Development Department for review and comment, and that the approved Plan be implemented through the Subdivision Agreement between the Owner and the Town.
26. That an Archaeological Assessment be conducted of the entire development site by a licensed archaeologist and adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture, through the Regional Planning and Development Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
27. That the Owner erect appropriate fencing for Block 59 to the satisfaction of the Town.
28. That if final approval is not given to this plan within **three (3) years** of the draft plan approval date and no extensions have been granted, draft approval will lapse. If the Owner wishes to request an extension to the draft plan approval period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.

CLEARANCE OF CONDITIONS

Prior to granting of the final approval of the final plan, the Pelham Planning Services Department shall require written notification from the following agencies that their respective conditions have been satisfactorily met:

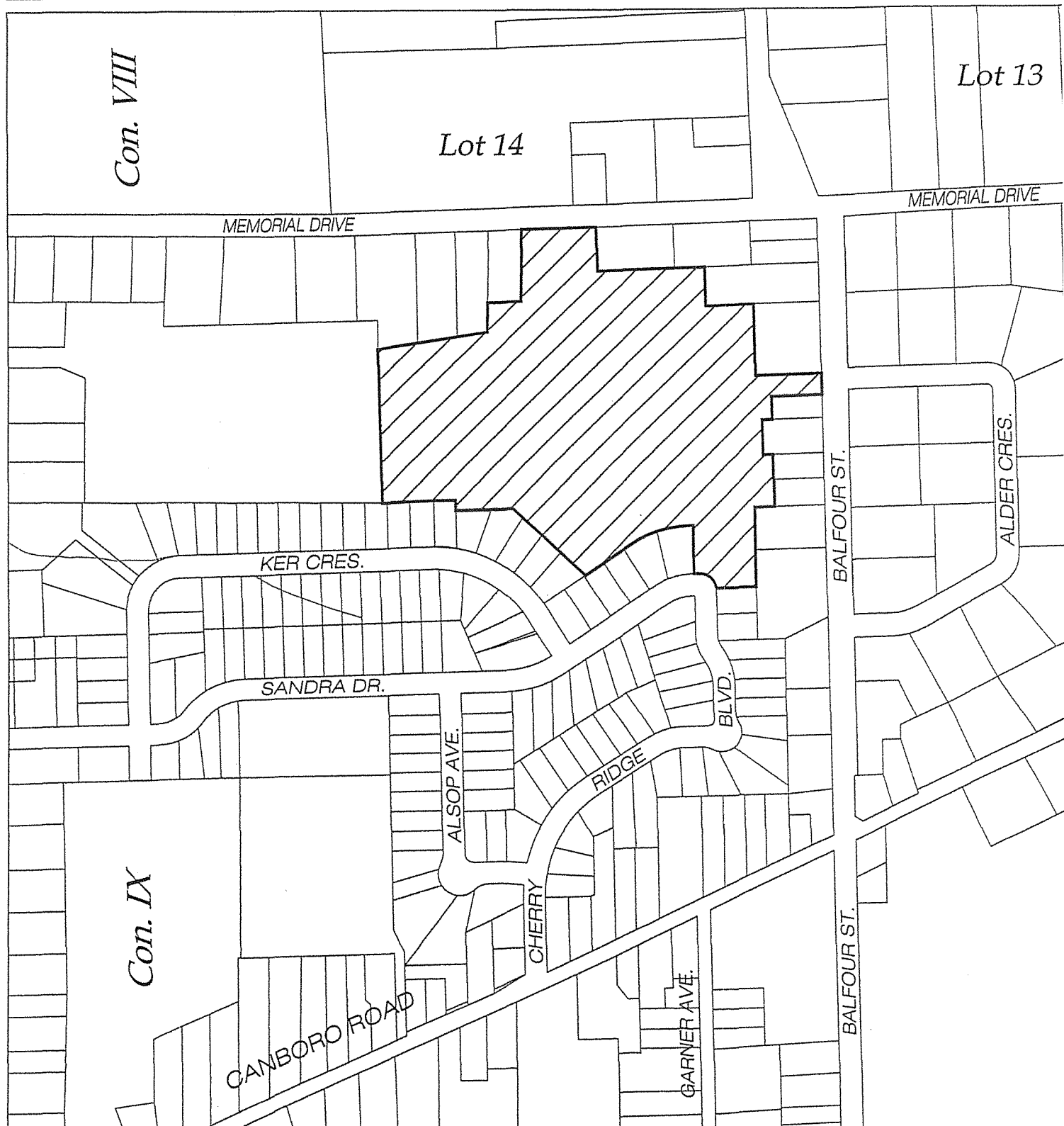
- Town of Pelham Conditions 2 to 9, 11 to 21, 24, 25 and 27
- Regional Niagara Public Works Conditions 19, 20 and 21
- Regional Niagara Planning Department Conditions 16, 22, 23, 25 and 26
- Ministry of Environment Condition 20
(or delegate i.e. Regional Public Works)
- Bell Canada Condition 10



Metric Scale:
1:5,000

LOCATION MAP

REPORT NO. *P-08/05*
ATTACHMENT NO. *1*
PAGE NO. *11*



Subject Lands 

MEMORIAL

DRIVE

EXISTING

RESIDENTIAL

BLOCK 59

BLOCK 60

ALDER CRESCENT

BALFOUR STREET

(REGIONAL ROAD NO. 28)

ALDER CRESCENT

KER CRESCENT

CHERRY RIDGE ESTATES

REGISTERED PLAN 59M-220

SANDRA DRIVE

129 126

SKETCH TO SHOW

CHERRY RIDGE EXTENSION

REDLINE REVISION TO

REPORT NO. P-08/05
ATTACHMENT NO. 3
PAGE NO. 1/1

DR RE
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MEMORANDUM

REPORT NO. P-08/05
ATTACHMENT NO. 4
PAGE NO. 1/3

TO: Craig Larmour, Director of Planning Services

FROM: Jamie Hodge, Director of Operations

DATE: January 31, 2005

RE: Draft Plan Conditions and Conditions of Final Approval
Proposed Cherry Ridge Extension Subdivision
1473944 Ontario Limited c/o Centennial Construction

GENERAL:

These approval conditions apply to the *Cherry Ridge Extension Subdivision*

1. All roadways to be dedicated as public highways and named to the satisfaction of the Town.
2. The owner pays cash-in-lieu of parkland dedication to the satisfaction of the Town.
3. The Lot Grading & Drainage Policy of the Town be applied to this subdivision with amendments as necessary to take into consideration in the characteristics of the site.
4. The owner pays all relevant development charges in force at the time of issuance of building permits.
5. The owner grants and conveys to the Town any easements required for servicing the subdivision.
6. The subdivision be designed and constructed in accordance with established Town practices, guidelines and policies which in part include the following:
 - a. All subdivision road allowances be 20m in width
 - b. Installation of a water distribution system, sanitary sewer collection system and a storm sewer system including all requisite appurtenances thereto.
 - c. 1.5m wide concrete sidewalks installed at various locations determined by the Town consistent with Town policy related to provisions of sidewalk in all new development.
7. The owner enter into separate agreement with the appropriate utility companies to provide electrical distribution, cable TV distribution, natural gas and telephone service to each lot within the subdivision.

NOTE: All such shallow utility plant shall be constructed underground.

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- 2 -

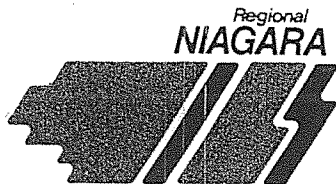
8. Provide a detailed servicing design drawing for the water distribution system, sanitary sewers collection system, storm sewer system and storm water facilities, required to service the subject lands to the Town and Regional Niagara Public Works Department for review and approval.
NOTE: Any storm water management scheme may require the direct approval of the MOE's Approvals Branch, Toronto.
9. Provide detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Town for review and approval.
10. The owner enter into a registered Subdivision Agreement with the Town of Pelham to satisfy all requirements, financial and otherwise related to the development of the subject lands.
11. That the Subdivision Agreement between the owner and the Town be registered by the Town against the lands to which it applies, pursuant to the provisions of the Planning Act.
12. The owner submit a Solicitor's Certificate of Ownership for the Subdivision to the Town's Solicitor prior to preparation of the Subdivision Agreement.
13. Provide detailed lot grading and drainage plans, to indicate both existing and proposed grades and the means whereby system flows will be accommodated across the site for review and approval by the Town.
14. Provide detailed sedimentation and erosion control plans, to indicate how soil erosion and sedimentation will be controlled during and after the construction phase, in accordance with the MOE publication, "Guidelines on Erosion and Sedimentation Control for Urban Construction Sites", 1987 to the Town for review and approval.
15. The owner agree in the executed subdivision agreement to;
 - a. Implement the Town's approved lot grading, drainage plans, and sedimentation and erosion control plans as indicated in condition 13 & 14 above.
 - b. Re-vegetate or otherwise restore all disturbed areas immediately upon the completion of the works and prior to the release of building permits.
16. Prior to final approval and registration of this plan, the owner shall obtain Ministry of Environment "Certificate of Approval" to the satisfaction of the Town for the required

servicing of this plan of subdivision.

17. That prior to approval of the final plan or any on-site grading, the owner shall submit a storm water management plan designed and sealed by a suitable qualified professional engineer, to the Town for review and approval and indicate the following;
 - a. The manner in which storm water will be conveyed across and away from the site, in both major and minor systems, using storm water management techniques in accordance with the MOE publication, "Storm Water Management Practices and Design Manual", Mar 2003.
 - b. A detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed (Note: at minimum, the storm water management system would provide Level 2 protection for downstream fisheries resources); and
 - c. An overall site master grading plan.

SPECIFICS:

1. The owner provides a sanitary sewer and a storm sewer outlet on Balfour Street to permit future sewer servicing of lands to the east of the development.
2. The owner conveys a 0.3 m reserve at the west limit of proposed Street C to the Town.
3. The owner agrees to restrict all subdivision servicing and construction traffic for this development to the proposed Street a connection from Balfour Street.
4. The owner agrees to erect and maintain ,at all times during the subdivision servicing , traffic barriers satisfactory to thee Town at the south limit of proposed Street C and on Cherry Ridge Boulevard at its connection to the Cherry Ridge Subdivision.
5. The owner agrees to install fencing of a height and type and without gates satisfactory to the Town along the rear and side yards of all residential lots where these residential lot lines coincide with the limits of Block 59.



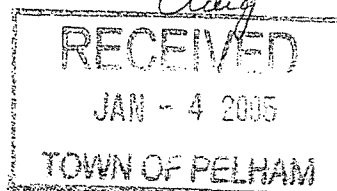
PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara
3550 Schmon Parkway, P.O. Box 1042
Thorold, Ontario L2V 4T7
Telephone: 905-984-3630
Fax: 905-641-5208
E-mail: plan@regional.niagara.on.ca

REPORT NO. P-08/6
ATTACHMENT NO.
PAGE NO. 1/6

December 22, 2004

Mr. Craig Larmour
Director of Planning Services
Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0



File: D.11.M.19.24
(OPA) (26T19-97016)

Dear Mr. Larmour:

Re: Provincial and Regional Comments
Proposed Official Plan Amendment and Plan of Subdivision
Cherry Ridge Extension Subdivision (Phase II) (File No: 26T19-97016)
1473944 Ontario Limited (Domenic Dilalla)
Memorial Drive, west of Balfour Street
Town of Pelham

Regional Planning staff have reviewed the proposed plan of subdivision and official plan amendment for the Cherry Ridge subdivision from a Regional and Provincial planning perspective. The application proposes the development of 8.06 hectares (19.9 acres) of land for 58 single detached residential lots.

Regional Planning

The property is located within the Region's Urban Area Boundary for Fenwick according to the Regional Policy Plan and is designated Village Residential in the Town of Pelham's Official Plan. According to the Region's Policy Plan, urban development is permitted subject to the availability of municipal services. The subject site does have access to municipal water and the plan of subdivision is being proposed in conjunction with an Official Plan amendment that will expand the Fenwick Sanitary Sewer Area in order to allow the proposed subdivision to have access to municipal sewers. The Town should determine that there is sufficient downstream capacity to accommodate this proposed development and its additional sewage flows. To ensure that the proposed Cherry Ridge is properly serviced with full municipal services it might be advisable for the Town to gain approval for the proposed official plan amendment to Schedule A (i.e. Fenwick Sanitary Sewer Area) of the Town of Pelham's Official Plan first before granting the proposed subdivision draft plan approval.

Cherry Ridge (Phase II) proposes single detached homes on large lots. Although a mix of housing types would be desirable to make more efficient use of these lands and to provide more affordable housing, the proposed single detached lots will be consistent with the established residential land use pattern in the residential development (i.e. Cherry Ridge Phase I) to the immediate south and southwest of the subject site.

From an environmental perspective, the northwestern boundary of the proposed Cherry Ridge subdivision (Phase II) appears to be covered by a woodlot. The woodlot is located in the backyards of Lots 34 to 40 and Lots 46 to 51. Even though it appears that there may be little or no development within the woodlot itself due to its rear yard location, Regional Planning staff would recommend the applicant prepare a Tree Preservation Plan for our review in accordance with the Region's Tree Conservation By-law. The Tree Preservation Plan should be prepared by a qualified professional and should define those areas where trees will be removed and where they will be retained.

The Region does not allocate servicing capacity until the final approval of the plan. Therefore, we are requesting two conditions of draft approval to the issue of servicing allocation.

Regional Public Works

Regional Public Works staff have reviewed the proposal and have no objection to draft plan approval of the plan of subdivision. Their comments and requirements are summarized as follows:

- It is proposed to connect the proposed Cherry Ridge Subdivision Phase II to an existing local sewer system contained in Phase I for which the Town should determine if there is sufficient downstream capacity to accommodate additional sewage flow. It should be noted that for Phase I of this development there was an agreement between the Town and the developer that any appropriate upgrades to the sewer system would be undertaken at the owner's expense.
- Municipal water can be provided to this phase by connecting to the existing watermain located in Phase I which is under jurisdiction of the Town. While at the current time, the Region's Welland Water Treatment Plant can adequately supply potable water to this community, it is anticipated within the next 10 years, a 1.8 million litre water tank will be need to help service Fenwick.
- Stormwater runoff from this development is intended to connect to the storm sewer system constructed for Phase I which ultimately outlets into the Keenan Drain. Due to the additional land area to be drained there may be additional requirements with respect to the existing stormwater management facility needed.
- A key element for curb side waste collection is that the waste collection vehicles will not have a need to reverse in order to collect waste. The proposed subdivision in its current configuration shows that Lots 36 to 41 (inclusive) would not be able to have curb-side pick-up. Regional Public Works staff requests that the developer provide the necessary turnaround or provide a temporary circle for waste collection vehicles.

Conditions of approval are included in the attached Appendix I and detailed comments from Regional Public Works are attached as Appendix II.

Provincial Review

To address Planning Act requirements, the Region and other agencies must have regard for Provincial policy requirements. Regional Planning staff have reviewed this plan in light of Provincial policy and interests and we have the following comments.

- **Affordable Housing**

The Provincial Policy Statement encourages the provision of a full range of housing types and densities including housing forms and densities designed to be affordable for moderate and lower income households. This plan proposes very large single detached lots (with frontages of 18-25.28 metres) that will likely not provide the opportunity for affordable housing. Affordable housing, however, need not be provided in every plan but rather can be addressed over a neighbourhood or municipal wide basis. The Town should encourage developers to provide a mix of lot sizes, housing types and tenure wherever practical to meet a range of housing needs.

- **Ministry of the Environment (MOE)**

- i) **Land Use Compatibility and Noise Impacts**

There are no existing or committed industrial land uses in close proximity to this development that would result in land use compatibility concerns. In addition, there are no nearby transportation facilities that would result in noise impacts on this development.

- ii) **Stormwater Management**

The proposed development will be serviced through an existing stormwater management facility located in Cherry Ridge Phase I and is supposed to be designed to accommodate flows from the second phase. Niagara Peninsula Conservation Authority (NPCA) staff are aware of some past problems with the siltation of downstream properties and as a result note that the Town should ensure that it is satisfied with the existing stormwater management pond's design. The developer's engineering consultant should confirm that the existing stormwater management facility and infrastructure is adequately sized to accommodate additional flows from the proposed Phase II. Finally, the rear yard areas of Lots 47-55 (inclusive) will drain north into the existing ravine between the proposed subdivision and Memorial Drive. Due to the fact that the lands beyond these rear yards with the exception Block 59 are private lands, NPCA staff would suggest a redesign of this particular area of the storm drainage design to avoid runoff flowing onto these adjacent private lands. Appendix III is attached which outlines NPCA comments.

A detailed stormwater management plan for both phases of Cherry Ridge was prepared and completed by Upper Canada Consultants in March 1992. As a result, the applicant will only need to submit detailed plans for lot grading and drainage as well as detailed plans for sediment and erosion control.

- iii) **Sewage and Water Systems**

Full municipal sanitary, storm and water services will be provided for this urban development. The allocation of servicing capacity and servicing design will be addressed as conditions of draft plan approval. Servicing plans will be required to be reviewed by the Regional Public Works Department under the Ministry of the Environment Transfer of Review Program.

- **Ministry of Natural Resources**

Block 59 is home to several specimens of the Cucumber Magnolia tree which is identified by the Ministry of Natural Resources as an endangered species in Canada and is thus protected under the Province's Endangered Species Act. To protect these unique trees, the woodlot and ravine found in Block 59 has been designated a park. The Town should consider redesignating and rezoning Block 59 to an Environmental Protection Area type of Official Plan designation and Zoning category in order to ensure its protection from future development. As well, NPCA staff note that the north portion of the proposed subdivision abuts an existing ravine system

consisting of a mature treed valley slope. In order to ensure slope stability and to minimize the potential for soil erosion and sedimentation all structural development for the newly created lots (Lots 47 to 51 inclusive and Lots 38 and 39) must be set back a minimum of 7.5 metres from the top of the valley slope. As a result, the applicant should review the building envelopes of these lots to ensure adequate buildable area. Finally, the NPCA requests that the lands below the top of bank are rezoned and designated in a Hazard type of category.

An unnamed tributary of Fifteen Mile Creek traverses the northern part of the subject land and is identified by the Ministry of Natural Resources as an Important Type 2 fish habitat which will require a 15 metre vegetated buffer for fish habitat protection. NPCA staff in their comments dated (November 25, 2004) state that the required 7.5 metre setback from the top of slope and the requested Hazard/Open Space zoning of lands below the top of slope will adequately serve to address the buffer setback issue.

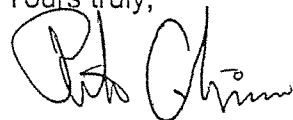
- **Ministry of Culture**

According to Ministry of Culture Resource mapping, there are several registered archaeological sites within and nearby the subject site. Therefore, the potential for the discovery of additional cultural heritage resources in this area is high. An archaeological assessment will be necessary to be submitted to the Regional Planning and Development Department for approval by the Ministry of Culture. This must be approved prior to any development or grading of the site.

Conclusion

Regional Planning staff have no objection from either a Regional or Provincial perspective to the draft approval of the Cherry Ridge Estates (Phase II) subdivision subject to the Town ensuring that there is sufficient downstream capacity to accommodate this proposed development and its additional sewage flows and the conditions requested by the Regional Planning and Development Department and the Regional Public Works Department as set out in Appendix I. If there are any questions please contact Brian Dick, Planner or Peter Colosimo, Senior Planner, for assistance.

Yours truly,



for David J. Farley
Director of Planning Services

BD/

Attachments: Appendix I – Recommended Conditions of Draft Approval
Appendix II – Regional Public Works Comments
Appendix III- Niagara Peninsula Conservation Authority Comments

c: Mr. M. Heikoop, Upper Canada Consultants, 215 Ontario St., St. Catharines, ON L2R 5L2
Mr. J. Durst, Ministry of Natural Resources, Vineland
Mr. J. MacDonald, Ministry of Culture, London
Ms. B. Ryter, Ministry of the Environment, Hamilton
Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority
Mr. W. Stevens, Regional Public Works

Appendix I

Conditions of Draft Approval

Cherry Ridge Subdivision

Town of Pelham

File: 26T19-97016

1. That the owner acknowledge promptly 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 final approval of the subdivision for registration purposes.
2. That immediately following notice of draft plan approval, the owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Pelham.
3. That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development (including any required downstream municipal sewer improvements) be submitted to the Regional Public Works Department for review and approval.
4. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment Certificates of Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development.
5. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Regional Planning and Development Department for review and approval two copies of the following plans for the subdivision designed and sealed by a suitably qualified professional engineer.
 - 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;
 - c) That the subdivision agreement between the owner and the Town of Pelham contain provisions whereby the owner agrees to implement these approved plans.

Note: The Region will request the Niagara Peninsula Conservation Authority to review the detailed lot grading and drainage plan as well as the detailed sediment and erosion control plan on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning staff.

6. That prior to final approval, the owner provide confirmation through a professional engineer that the existing stormwater management facility for the initial Cherry Ridge subdivision (26T-89026)(Phase I) was designed and constructed to adequately service this phase of development (Cherry Ridge Extension, Phase II).
7. That the owner submit a Tree Saving or Preservation Plan to the Town of Pelham for review and approval, with a copy to the Regional Planning and Development Department for review and comment, and that the approved Plan be implemented through the Subdivision Agreement between the owner and the Town of Pelham.
8. That an archaeological assessment be conducted of the entire development site by a licensed archaeologist and adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture through the Regional Planning and Development Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

Note: A copy of the archaeological assessment report is to be submitted to the Regional Planning and Development Department for information.

Clearance of Conditions

Prior to granting final plan approval, the Town of Pelham must be in receipt of written confirmation from the following agencies that their respective requirements have been met satisfactorily:

- Regional Niagara Planning for Conditions 1, 2, 5, 6, 7 and 8
- Regional Niagara Public Works for Conditions 3 and 4 (through Regional Planning)

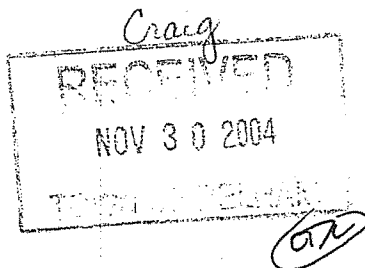
Subdivision Agreement

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions have been included. Note: The Regional Planning and Development Department recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.

November 25, 2004

File no. MPR 6.11.39

Craig Larmour
Director of Planning Services,
Town of Pelham
20 Pelham Town Square
Fonthill, ON
L0S 1E0



Dear Sir:

Subject: Revised Application for Draft Plan of Subdivision
Cherry Ridge Extension
Balfour Street at Memorial Drive
Town of Pelham
Your File 26T 19-97016 and AM-06/97

The NPCA had provided previous comment to the Region of Niagara on this application via correspondence dated September 30, 1997 (Michael Benner) and August 12, 1998 (Kathy Menyes). Since that time, the application has been amended to include a Park Block (Block 59) and a reduction in the total number of lots from 70 to 58 (plus the park block and a 0.3m reserve Block). The following comments are offered for your consideration.

Stormwater Drainage: It is our understanding that stormwater management for this development will outlet into the existing storm sewer and stormwater pond system in Cherry Ridge Estates Phase 1 (apparently designed to accommodate flows from this phase). Correspondence from the consulting engineer indicates that the rear yard areas of lots 47-55 will drain into the existing ravine between the proposed subdivision and Memorial Drive. With the exception of Block 59, the lands beyond the rear yards of these lots would appear to be private property. As such, we would suggest a re-design of this particular area of the storm drainage design to avoid run-off onto adjacent private lands. The NPCA acknowledge that these lands were included in the Master Storm Drainage Plan for the Cherry Ridge Phase I subdivision. At that time, this agency was not involved with stormwater management review. We therefore did not review nor provide comment on the Master Drainage Study submitted for the subdivision. Notwithstanding, we are aware of some past problems with siltation of downstream properties and note that the municipality should ensure that it is satisfied with the existing SWM design. In particular, the Town may wish to require confirmation from the developer that the existing SWM facility and infrastructure is adequately sized to accommodate this phase of the development. We will, however, be requesting copies of the lot grading and drainage plans as well as sediment and erosion control plans for our review and approval.

Valleyland Policies: The north portion of the proposed subdivision abuts an existing ravine system, consisting of a maturely treed valley slope. Authority objectives when reviewing development proposals of

this nature, therefore, pertain to ensuring that life and property is protected from the risk of slope stability problems, minimizing the potential for soil erosion and sedimentation, and ensuring that the natural integrity of the valley system is maintained over the long term. Accordingly, the Conservation Authority has developed Valleyland Management Policies that assist in addressing the above objectives. Pursuant to these policies, all structural development for newly created lots must be set back a minimum of 7.5m from the top of the valley slope. This setback is intended to provide a buffer to the valley and maintain the existing bank stability and natural integrity over the long term. Authority staff have met on site with the developers consultant to confirm the top of bank location. The NPCA is in agreement with the location of the top of bank as depicted on the revised subdivision plan (dwg 97005DP – July 21, 2003, rev. 4).

The 7.5m setback will apply to the north portion of lots 47 to 51, inclusive, and lots 38 and 39. Building envelopes for these lots should be carefully reviewed by the developer at this time to ensure adequate buildable area. We would ask that lands below the top of bank be zoned and designated in a "Hazard" type of category.

The Conservation Authority's Valleyland policies encourage the maintenance of valleylands in their natural state and support all municipalities' efforts to acquire these lands for public open spaces purposes. As such, we are pleased with the proposed dedication of Block 59 to the Town of Pelham for park purposes.

Fisheries: The above noted ravine contains the headwaters of a small watercourse running west under Maple Street. The upstream drainage area is less than 125 hectares. This watercourse has been identified as a Type 2 Important Fish Habitat by the Ministry of Natural Resources, requiring a minimum 15m buffer setback. The required 7.5m setback from top of slope and the requested Hazard/Open Space zoning of lands below the top of slope will serve to address the buffer setback issue.

In context of the above, the Conservation Authority requests that the following be included as conditions of draft approval for this development:

1. That the lands below the top of bank be placed within a "Hazard Land" zone category (or equivalent) to prohibit development. It is presumed that Block 59 will be placed in an "Open Space" category to reflect its parkland use.
2. That detailed sedimentation and erosion control plans be prepared for this agency's review and approval.
3. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.
4. That prior to final approval, the owner provide confirmation that the existing stormwater management facility for the initial Cherry Ridge Subdivision (26T-89026) was designed and constructed to adequately service this phase of the development (Cherry Ridge Extension 26T-19-02002).

The NPCA requests that the following clauses be included in the Cherry Ridge Extension Subdivision Agreement:

1. The owner agrees to maintain a 7.5 metre structural setback from the top of bank identified on the subdivision plan for all structural development on Lots 38 and 39, and lots 47 to 51 inclusive;
2. The owner shall provide clear notice in all offers of purchase and sale for Lots 38 and 39, and lots 47 to 51 inclusive advising that no structural development, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks, gazebos, etc. be permitted within 7.5 metre

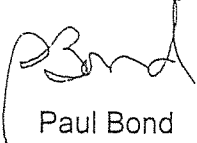
setback from the top of the bank, as identified on the master grading and drainage plan for the subdivision;

3. The Owner shall provide clear notice in all offers of purchase and sale for Lots 38 and 39, and lots 47 to 51 inclusive, advising prospective lot owners not to place or dump any material of any kind, including but not limited to, fill material, grass clippings, yard waste, etc. on the valley slope, and to maintain the natural grade of the valley slope;
4. The Owner agrees to erect and maintain a limit of work fence 3 metres from the top of slope of the Valley slope on Lots 38 and 39, and lots 47 to 51 during the construction phase;
5. The Owner agrees not to place or dump any material of any kind, including, but not limited to, fill material, grass clippings, yard waste, etc. on the valley slope and to maintain the natural grade of the valley slope, as detailed in the required notice clause.

Specific reference (ie. a separate clause) should be made in the agreement to the Master Stormwater Management Plan prepared for the original Cherry Ridge Estates Plan of Subdivision.

Please send notice of your Councils decision in this matter as well as a copy of your staff report for our files.

Yours Truly,

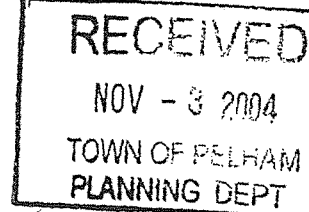


Paul Bond
Watershed Planner (ext. 234)
PEB

cc Martin Heikoop, Upper Canada Consultants @ 905-688-5274
Mr. David Farley, Region of Niagara Planning and Development Department @ 905-641-5208

General Committee
Planning Services Division
Town of Pelham

715 Memorial Drive
Fenwick ON. L0S 1P0
November 2, 2004



Regarding the proposal for Cherry Ridge:

I am appalled by the reduction in the number of dwelling lots from 70 to 58. Where are the other 12 families going to live? Certainly not in the new greenbelt. Because of your minimum lot size, sprawl is guaranteed. We need higher densities to conserve farmland.

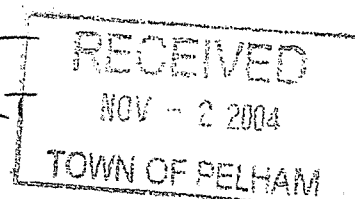
The access to the "Block 59" park is too far east. There is a 7 metre drop to get in. If stairs are not installed, a rut will erode here. By ~~now~~ shifting Lots 49 and 50 eastward, so access is next to Lot 48, the drop will only be 3 metres, so a wheelchair ramp will be easy to install there.

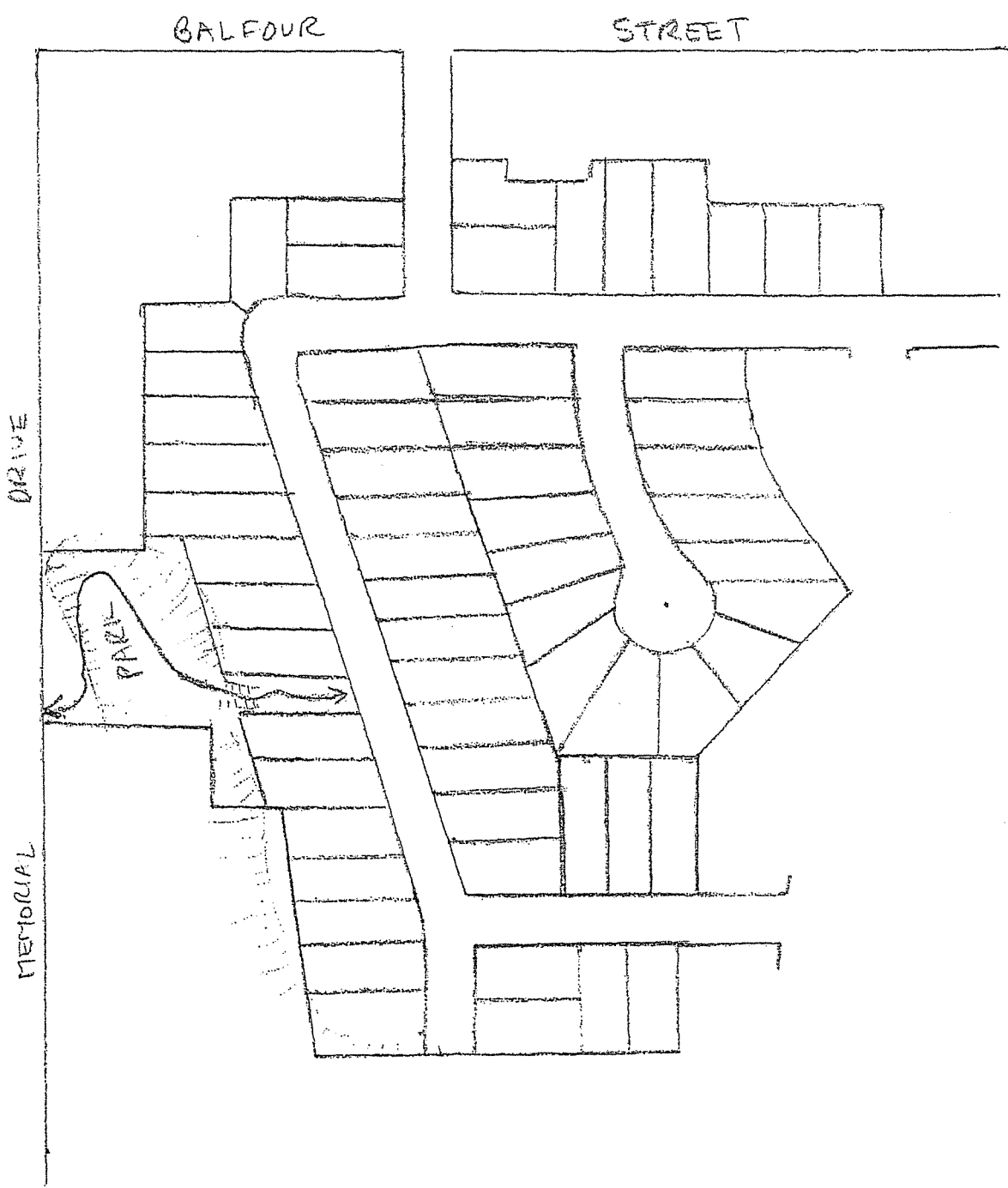
The proposed street layout is inefficient, making access to Balfour Street longer and more confusing, particularly from Street C. This could cause delays in emergency service and makes the provision of bus service more difficult in the future.

Also, streets should run ~~now~~ mostly east to west, so that houses do not cast shadows on their neighbours during the winter. For example, Lots 1 and 2 could be rotated by 90 degrees. Houses should have ~~a~~ more windows on the south side to reduce heating costs. The should never have garages on the south side!

I have included a rough sketch of an alternative street layout. Note that ~~the~~ most lots are long in the North-South direction for better solar energy potential. If the Town had been planning more wisely in the past, then Ker Crescent could have been extended to Street B (rather than curving south to Sanson replacing the cul-de-sac).

Murray Brian Calvert
MURRAY BRIAN CALVERT





Received my email 11/06/04

REPORT NO. *P-0810*
ATTACHMENT NO. *7*
PAGE NO. *3/8*

Wayne and Irma Purchase
728 Memorial Drive
Fenwick, ON L0S 1C0
phone: (905) 892-2732
email: irma.purchase@sympatico.ca

November 6, 2004

Craig Larmour, MCIP, RPP
Director of Planning Services
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0
phone: (905) 892-2607 ext. 16
email: clarmour@town.pelham.on.ca

Dear Mr. Larmour:

RE: Cherry Ridge Extension - Fenwick
File Nos. 26T19-97016 and AM-06/97

Regarding the approval of the above noted plan of subdivision: my parents live on Memorial Drive and I am writing this letter on their behalf. Their property contains a significant portion of the woodlot mentioned in your letter, which Block 59 also forms part of. We have no objection to the proposed Official Plan Amendment or the subdivision application in general. However, we do have concerns about tree protection and erosion and sedimentation occurring along the steep sandy slopes of our rear property line. The forest contains endangered (Cucumber Tree), threatened (American Chestnut) and provincially rare (Pignut Hickory) trees as well as a diverse population of various Carolinian species. We are very concerned about the protection of the health of the woodlot.

I am not familiar with the Town's existing Tree Management policies; however, as part of the approval process for this plan of subdivision we are requesting the requirement for the preparation and approval of a Tree Management and Protection Plan. The draft plan of subdivision provided to us on October 19th 2004 does not show an existing forest dripline. We would like to see Tree Protection plans illustrating the location of proper protective fencing (not just silt fence) located one meter beyond the existing forest dripline. If any trees are being removed as part of this development application we would like to have their locations surveyed and marked in the field and the new forest edge location surveyed so that tree management concerns can be properly addressed. We would also like the opportunity to review the proposed grading and erosion and sedimentation control plans (as they are closely related to tree protection).

Also, I am unclear as to the purpose of the 0.3 meter reserve in Block 60. The hedgerow located along this boundary is very wide (at least 10 meters wide with interior habitat) and contains several American Chestnut trees. I am wondering if this feature is being given any conservation concern as part of this application.

If you have any questions, please contact me directly. Thank you very much for your assistance.

Sincerely,

Michelle Purchase, BES, MLA, OALA
Landscape Architect
work: (519) 741-8850
home: (519) 741-5007

Sent via E-mail and Fax Transmission
mallen@vaxxinc.com / 905-682-9393

February 2, 2005

Mrs. E. Watson
11 Ker Crescent
Fenwick Ontario

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, Ontario L0S 1E0

Attention: Mr. Malcolm Allen, Town of Pelham Councilor

Dear Mr. Allen

RE: File No. 26T 19-97016 & AM 06/97 Proposed Subdivision and OP amendment
Comments for Ratepayers Group Residing on Ker Crescent and Sandra Drive

This letter will serve to convey the concerns and recommendations of the numerous residents who reside immediately adjacent to the above referenced subdivision.

Further to our recent meeting with you at the residence of Mr. Peter Zangari, we wish to reiterate that we were disappointed to learn that none of the concerns that we expressed at the public meeting then again to you personally at Mr. Zangari's home were incorporated into the subdivision plan. In fact, we very shocked and alarmed to see that the ground surface elevations on the grading plan are on average 2.3 meters higher than the existing yard elevations of the homes on Ker Crescent and Sandra Drive. We recall Mr. Heikopp mentioning at the public meeting that the elevation difference was likely to be no more than 16 inches, which is 0.408 meters above the existing backyard grades of lots. This significant grade differential is not acceptable and we have numerous associated concerns including, surface drainage, privacy, aesthetics, storm water surcharge, property devaluation and noise diffusion. The specifics of these concerns are as listed below.

1. Surface Drainage

We do not support, nor accept the use of swales to convey surface water as proposed on the plan. There is strong evidence to support our position and concern that backyard drainage swales do not effectively convey surface waters in subdivision. This is always the case in situations where no municipal easement is registered or in examples where the municipality has not enacted a drainage by-law to oversee drainage issues. As you have heard from several residents, drainage problems have already developed in and around several homes on Ker, despite a very limited capture area draining to these locations. Two homes have already experienced flooded basements and saturated soils conditions resulted in collapsed window wells. Remedial work has been done, but problems with drainage still exist. As you know the grading plans of all the lots on Ker Crescent and Sandra Drive have been designed and constructed to convey surface water from the rear property lines to the roadway.

The proposed drainage plan of the new subdivision is reversed with all lot drainage being totally conveyed to the drainage swale proposed at the rear lot line. Based on our interpretation of the plan and observing existing drainage, the watershed contributing to the proposed swale will be larger in area than present conditions. We are very concerned that without the controls that are noted above, that the probability of the proposed drainage swale being altered and potentially being rendered ineffective is probable. Residents are under not obligated to maintain the drainage swale, other than perhaps by Common Law. Future property owners who may become tired of having to maintain the swale or wish to alter its configuration or even to build upon it could potentially have a destructive impact on lands backing onto the new subdivision and even to areas upstream of alteration. This is a very common occurrence in subdivision plans where defined swales exist on private property and where not regulatory controls exist. Those who are impacted receive absolutely no assistance from the municipality and are told straight out by the public works department that the municipality has no jurisdiction in the matter, even though it is the municipality who approved the grading plan in the first place. This is not a unique situation, in fact likely all municipalities in the Niagara Region would respond in the same fashion. Given the lack of intervention, people then take matters into their own hands by either filling or simply

an

living with a wet yard. The final recourse is a legal one which requires one landowner suing another.

Those submitting this letter find this to be unacceptable and for this reason and others we are recommending that the proposed lots 24 to 33 and 9, 10 and part of lot 11 be re-designed so that all overland flows be reversed and drained toward the roadway known as Street "B".

2. Privacy

We find it totally unacceptable and quite thoughtless to permit the developer to create building lots at substantially higher elevations than the existing topography. With surface grades being 2.3 meters higher and also in permitting multi-level homes with walk-out basements which will could rise another 7 meters in height above the ground surface. Individuals residing in homes on Ker and Sandra will be fully exposed and be without any privacy. In some instance, certainly property owners will have two homes over looking them given the layout created by the road configuration. Even if wooden fences were erected, no advantage would be gained to protect oneself from the overpowering presence of the new homes. As you have heard, everyone residing on Ker and Sandra has chosen to purchase and reside in the area for varied reasons, but the commonality is the simple pleasure of living in an area that is quite, peaceful and private. Everyone who you recently met use their backyards extensively for private and peaceful pursuits. However this will change drastically as everyone will be exposed to the eyes of those residing in the new homes.

The lands slated for development, particularly the section nearest to those concerned has been changed by years of infilling. The elevation has been substantially altered and is now much higher than the original grade. This is obvious by the undulating topography caused by indiscriminate filling practices and also demonstrated by the type of vegetation growing on the landscape. The vegetation type observed is what would normally be found in an area that is regenerating after having been out of production for lengthy time period. Further proof is the fact that the soil composition appears diverse and mixed when examining open cut areas caused by past excavation work. Also the soil stratum is devoid of any visible soil gradations or even soil types that would commonly be present in undisturbed formations. Also, the tree line to the west is significantly lower than the lands to the east, where fill has obviously been deposited. Also, further to the north large older trees are observed to be deeper imbedded with the landscape in comparison to surrounding ground features demonstrating further evidence of filling activity.

3. Aesthetics

The plan proposes that multi-level dwelling be constructed in this area. The resident of Ker and Sandra are opposed to permitting uncomplimentary house designs to be erected immediately adjacent to the existing homes. Given that the existing homes are all bungalow style and therefore low in profile, we are requesting that the new homes be similar in design so that the course of the subdivision profile is consistent and that the new dwellings compliment ours. We submit that the landscape would be more pleasing as well as the overall general appearance of the subdivision. We do not believe that it good design practice in planning to piece together streetscapes that vary significantly in design. We are not suggesting the entire subdivision be comprised of bungalows, but only those that are in sight and are directly connected to the existing subdivision.

4. Storm water

The proposed plan of subdivision appears to be designed to utilize the existing storm water detention facility that is situated outside the new subdivision plan. It is our understanding that this storm water facility may not be functioning effectively. We are aware of complaints from downstream landowners who allege that frequent flooding events are impacting their lands and also depositing sediment from upstream areas. The storm water facility was constructed roughly 7 years ago and it appears that significant sediment accumulation has taken place and that heavy aquatic vegetation has overgrown the facility. Some investigation has revealed that no maintenance has been conducted and we also learned that the municipality has no assumed ownership and responsibility for the structure. Storm water structures are designed to capture flood flows and release water over a prolonged period to reduce downstream impact. Storm water ponds are required by regulation to control flows to the point where post construction discharge mimics pre-construction flows. Given what we have heard, we are highly suspicious that this structure is not functioning as originally designed. If we assume that it is not fully functioning, what impact may take place during and

following further development of the drainage area? Will the structure have the ability to function under increased demand?

Our concern is that the proposed elevated grades of the new subdivision coupled with an increased in the time of concentration of runoff and the fact that homes on Ker and Sandra will be at a considerably lower elevation that conditions will become ripe for storm flows to surcharge into dwellings on Ker and Sandra. We believe that this isn't an exaggeration on our part as this past spring many homes in Welland, Thorold, St. Catharines and other communities experienced significant flooding for the first time ever due to heavy rainfall and insufficient storm flow capacity. Resident are very concerned and we believe that it is imperative that the developer be required to re-examine the original storm water report and update the flow modeling if required and also study and report on the operational effectiveness of the storm water pond. Given that the municipality has not assumed this facility, it is in the best interests of all to make this a condition on any preliminary acceptance of the subdivision plan. We appreciate that the developer has incorporated soak-away devices to alleviate impact on the storm system, however, let us be clear and say that these measures will not function during heavy, short term precipitation events and certainly not during times of the year when temperature fall below the freeze point. Also, given that the structures are located on private property, persons not pleased with the functionality of the pits will detach the inflow downspout and re-direct flow to the surface or directly into the storm system. Again, as with the drainage swales, since the municipality does not possess a by-law to prohibit connections to the storm system or to stop landowners from modifying the soak-away pits, the long term use of these structures cannot be guaranteed. A further concern that we have is that it does not appear that the municipality has any monitoring or maintenance program in place to deal with the ever growing number of storm water facilities. If these structures are not maintained properly, then over time they will be rendered ineffective thus threatening the design integrity of the subdivision plan and also those residing downstream.

5. Municipal Water Pressure

We learned from our recent meeting that water pressure is indeed at a sensitive point and it does fluctuate as noted by several persons. Our opinion is that if problems are now occurring, then does it make sense to further tax the system by providing water to additional users? A water tower was noted as the solution, but it is quite unlikely that a significant capital expenditure will be committed by the Regional government during a time of budgetary crises or within a community that has limited growth expectations. The benefit to cost ratio calculation would likely prove the investment unwise. We recommend that the developer, with assistance from the local municipality and perhaps the Region pursue this issue further. Of course we are not familiar with the specifics, but from what we heard we respectfully suggestion this course of action.

6. Property Devaluation/Noise

We believe and have confirmed from input of friends and associates that having homes behind us that over power our dwellings in size and elevation will have a detrimental affect on our property values. No observant or reasonable individual or family is likely to find residing in a home that is overlooked by others to be desirable. Persons who live in Fenwick are typically people who have left congested subdivisions for the openness and privacy afford by the area. People are certainly not living in Fenwick for the many the attractions, the abundant shopping experiences or the use of the transit system; they are here given that they all enjoy the peacefulness, privacy and the country atmosphere. There is no doubt in our minds that our individual and collective life styles will be forever diminished if this plan is implemented. We also believe that the design of the lots and homes as noted on the plan will generate more noise and disturbance to those residing on Ker and Sandra. Noise will naturally migrate and settle into our yards and homes given the prevailing winds and also based on the simple fact that our lands are low and our homes will capture and retain sound movement.

7. Construction Process

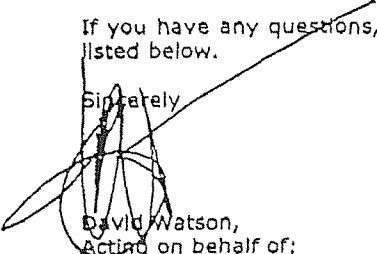
As you recall we recommended that the developer not be permitted to strip all the land and then slowing develop over time. The rationale behind our recommendation is that if this is done, we and others in the area will be subjected to continuous sediment impact by winds blowing disturbed soil. We have already experienced this from even small work undertaken in the area and a large scale stripping of vegetation cover will be quite destructive. The developer should be limited to phasing the

project and only be permitted to advance once an area is 80 to 90% built to capacity. We also recommend that access to the construction zone be from Balfour Road and not the subdivision. Also, any stockpiling of infrastructure, fill material, construction equipment and work offices is position at the extreme northern portion of the development and away from existing residents in Cherry Ridge and those residing on Balfour Road.

To sum up and also reiterate what we put forth earlier at our meeting, it is our position that if the developer was to simply address the elevation issue then all the other connected concerns would essentially be remedied. Essentially if the elevations of existing subdivision lots and those of the new plan were complementary and if drainage and the new homes were designed in the bungalow style then those residing on Ker and Sandra would be satisfied. Accordingly, we would withdraw our opposition and offer our thanks to the developer, town staff and of course you.

If you have any questions, please do not hesitate to contact the writer or any of the individuals who are listed below.

Sincerely,



DAVID Watson,
Acting on behalf of:

Elena Watson, 11 Ker Crescent
John Deliman, 9 Ker Crescent
Terry Dellman, 9 Ker Crescent
Marie MacPherson, 7 Ker Crescent
Mark Iannizzi, 5 Ker Crescent
Kim Boucher, 55 Sandra Drive
Brian Fear, 55 Sandra Drive
Peter Zangari, 53 Sandra Drive
David Jarman, 51 Sandra Drive
Dennis Larocque, 49 Sandra Drive
Roland Vangameren, 47 Sandra Drive



"Watson, Bill"
<WatsonB@town.whitby.on.ca>
a>

02/15/2005 03:48 PM

To <clarmour@town.pelham.on.ca>
cc <jhodge@town.pelham.on.ca>, "Watson, David"
<david.watson@regional.niagara.on.ca>

bcc

Subject Proposed Cherry Ridge Estates

History: This message has been forwarded.

Mr. Lamour:

I am writing to you on behalf of my Mother, who resides at 11 Ker Crescent, with respect to the above captioned development.

In reviewing the proposed development I note that the proponent is utilizing what I understand to be the remnants of the topsoil stockpile from previous phases as their base elevations. Proposed street centerline grades clearly demonstrate steep early grades in order to gain elevation to support basement walkout style homes. This practice, while maximizing the developers profit, should be of little interest to the Town as it leads to difficult drainage patterns in adjoining backyards as well as difficult sidewalk and boulevard grades. As a municipality I would be very concerned by the ability of improperly compacted soil to support the road structure and other municipal infrastructure contained within the road allowance. I believe this manipulation of grading may also lead to the improper alteration of drainage areas resulting in the dumping of overland flow out to Ker Crescent instead of more appropriately sending the overland flow west toward Block 60.

The principal concern I wish to raise on behalf of my Mother, (and apparently many of her neighbours) is the rear yard swales proposed to be utilized on Lots adjoining their properties on Ker Crescent. Although swales can be an acceptable method of conducting flows between and around homes I have particular concern about the steepness of the walkout lots, the large areas draining to the swale and the shallow depth of the swales themselves. Stormsewers are typically designed to conduct runoff from the 5 year local storm, flows from more significant storms are carried overland, in this case the swales that is to run behind my Mothers house is continuous around the south and east perimeter of the proposed development. Although there are several rear lot catch basins proposed during spring thaw and/ or storms in excess of the 5yr flow the catch basins will not function and this swale will drain as many as 18 lots. The swale appears to be very shallow (20cms) and will likely not have adequate capacity and will result in spillover onto the Ker Crescent lots, some of which are already experiencing drainage problems due to very shallow front to back grading.

If the Town is prepared to support the proponents design then there are numerous pieces of Engineering related information I would be interested in reviewing prior to determining my own course of action including the stormwater management report, all soils, geotechnical and hydrogeologic reports as well as the hydraulic grade analysis when available.

These problems could be largely resolved by eliminating the walkout lots backing onto the existing subdivision, and providing shallow split graded lots. Not only would it be more appropriate from a grading perspective it would be more appropriate aesthetically as the current homes are mostly bungalows and two storey walkouts will present the current homeowners with 3 storey walls to look at out their back yards.

I encourage you and your staff to consider the needs of your current homeowners against the clearly profit minded design of the developer. Not only does this design betray the developers profit motive through grading design but the configuration of Street 'B' laid out at an acute angle in order to obtain a couple of extra lots demonstrates they do not have the municipality's interests foremost.

THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 53

PART OF LOTS 14, 22, 23 AND 24, REGISTERED PLAN NO. 703

AFFIDAVIT

I, CRAIG LARMOUR, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF
PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS
FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and
as such I have knowledge of the matters herein set forth.
- (2) The information required under Section 6(2) of Ontario Regulation 198/96 attached
as Schedule "A" is provided and is true.

SWORN BEFORE ME AT THE TOWN OF PELHAM)
IN THE REGIONAL MUNICIPALITY OF NIAGARA)
THIS 1ST DAY OF APRIL, 2005 A.D.)



)CRAIG LARMOUR
)



CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk,
Town of Pelham, a Commissioner,
for taking Affidavits in the
Regional Municipality of Niagara

SCHEDULE A

1. Pelham Council is submitting an Official Plan Amendment.
2. The proposed Amendment does not replace an existing official plan.
3.
 - (i) The lands are described as Part of Lots 14, 22, 23 and 24, Registered Plan No. 703, former Township of Pelham, now Town of Pelham.
 - (ii) The area of the land covered by the proposed Amendment measures 8.059 hectares of which 5.701 hectares is proposed to be developed for residential purposes and the balance proposed for park and roadway purposes.
 - (iii) The proposed Amendment does not change, replace or delete a policy in the Official Plan.
 - (iv) Not applicable.
 - (v) The proposed Amendment does not add a policy to the Official Plan.
 - (vi) Not applicable.
 - (vii) Not applicable.
 - (viii) The proposed Amendment changes a designation.
 - (ix) The Fenwick Sanitary Sewer Area would be expanded by this Amendment.
 - (x) The land uses are not changed by this Amendment.
 - (xi) The subject land is the subject of a plan of subdivision. There are no other properties within 120 metres of the subject land involved in any applications for amendments, minor variance, plan of subdivision, consent or site plan.
 - (xii) The file number for the plan of subdivision is 26T-97016 and the Town of Pelham has been delegated to be the approval authority by The Regional Municipality of Niagara. The subject lands of Official Plan Amendment No. 53 are the subject lands of the plan of subdivision to develop the lands into a subdivision which has not received draft approval and there is no effect on the Amendment by the plan of subdivision.

LIST OF PUBLIC BODIES GIVEN NOTICE OF PROPOSED PLAN OR AMENDMENT BUT
WHICH DID NOT RESPOND

ATTN MANAGER
PLANNING & TRANSPORTATION
DISTRICT SCHOOL BOARD OF NIAGARA
191 CARLTON ST
ST CATHARINES ON L2R 7P4

D MANICCIA MANAGER OF OPERATIONS
NIAGARA CATHOLIC DISTRICT SCHOOL BOARD
427 RICE RD
WELLAND ON L3C 7C1

MANAGER LAND SERVICES
ENBRIDGE CONSUMERS GAS
P O BOX 650
TORONTO ON M1K 5E3

ATTN SECRETARY
ENBRIDGE CONSUMERS GAS
P O BOX 1051
THOROLD ON L2V 5A8

DIRECTOR OF FIRE SERVICES
TOWN OF PELHAM

LAND USE PLANNING SECTION
REAL ESTATE SERVICES
HYDRO ONE NETWORKS INC
483 BAY ST 15TH FLR
TORONTO ON M5G 2P5

REGIONAL NIAGARA HEALTH SERVICES
573 GLENRIDGE AVE
ST CATHARINES ON L2T 4C2

AMENDMENT BEING INITIATED BY:

APPLICANT - 1473944 Ontario Limited (Domenic Dilalla)
353 Townline Road
Niagara-on-the-Lake ON L0S 1J0

AGENT - Upper Canada Consultants
261 Martindale Road, Unit 1
St. Catharines ON L2W 1A1
(905) 688-9400

REGIONAL APPROVAL FEE TO BE PAID BY APPLICANT

