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210 and 276 Quaker Road Subdivision Conditions of Draft Approval

(Council Approval Granted <Date>)

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property unless the Owner obtains a Site Alteration Permit from the City of Welland.
3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
4. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances. All costs for providing the necessary survey plan and all related documents are the responsibility of the owner.
5. That the Owner pay a tree planning fee of \$712.31+HST for each developable Lot/Block (344 Lots/Blocks) at the time of subdivision agreement.
6. That Blocks 283 and 284 be dedicated to the City of Welland free and clear of all encumbrances for parkland purposes. All costs for providing the necessary documents are the responsibility of the owner.
7. That lands known as Part Township Lot 229 Thorold as in RO690045 Except Easement Therein, Welland, being all of PIN 64423-0015 (LT) be dedicated to the City of Welland free and clear of all encumbrances for parkland purposes. All costs for providing the necessary documents are the responsibility of the Owner.
8. That any over-dedication of parkland be reimbursed in accordance with the land values as determined by Section 5.4 – 'Low Density Development' as per By-law 2022-149.

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9. That Blocks 287, 288, 289, and 290 be dedicated to the City of Welland free and clear of all encumbrances for road widening purposes. All costs for providing the necessary documents are the responsibility of the Owner.
10. That Blocks 292 and 293 be dedicated to the City of Welland free and clear of all encumbrances for walkway purposes. All costs for providing the necessary documents are the responsibility of the Owner.
11. That Blocks 294 and 295 be dedicated to the City of Welland free and clear of all encumbrances for environmental purposes. All costs for providing the necessary documents are the responsibility of the owner.
12. That Blocks 296 and 297 be dedicated to the City of Welland free and clear of all encumbrances for stormwater management facility purposes. All costs for providing the necessary documents are the responsibility of the owner.
13. That the Owner agrees to dedicate to the City of Welland the lands legally described as PT RDAL BTN TWP LT 225 & 226 THOROLD , PT TWP LT 226 THOROLD , AS IN RO160832; S/T INTEREST OF MUNICIPALITY ; THOROLD, known municipally as 1043 Niagara Street, free and clear of all encumbrances, for the purposes of the Towpath Drain channel and stormwater management.
14. That Construction fencing is required in accordance with the City of Welland Building By-law 2020-140.
15. That the Owner agrees to implement the mitigation measures and recommendations found throughout the Environmental Impact Study (EIS) prepared by Beacon Environmental Limited (dated August 2024, Project 221055) including but not limited to:
 - a. The design of the new corridor will conform with the measures outlined in Section 5.1.1 and 5.1.2 of the EIS.
 - b. The design brief outlining the details of tree planting plans and enhanced ecological conditions for the corridors is submitted to the City of Welland for review and comment.

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- c. That permanent post construction fencing, being a 1.5 metre tall chain link fence is installed along the perimeter of the corridor. No gates shall be permitted along this fence.
 - d. That the storing of equipment, materials, and the fueling of equipment is not permitted within 30 metres of the boundary of Blocks 127, 128, and 130. And Ontario Provincial Standard Specification 180 is to be followed for the management of excess materials.
 - e. That the Owner agrees that any required removal of trees and shrubs will be conducted between October 1 and March 31.
 - f. That a Fish Salvage Plan be undertaken by the MNRF.
 - g. That all construction and development related activities are confined to the established limit of development, except for areas subject to naturalization where landscaping works are permitted.
16. That the Subdivision Agreement between the Owner and City of Welland include the following warning clause:
- “If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C*
- <https://niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>.”
17. That the Owner shall submit full engineering design drawings to the City of Welland’s Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Plan and Profile, Sediment Erosion and Control Plan, Storm Pond Design Details, Storm Drainage Area, Sanitary Drainage Area, and Landscaping Plans.

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18. That a Functional Servicing Study Report indicating that the sanitary sewers can accommodate the additional flows, that adequate fire flows can be provided to the development, and that the servicing is consistent with the overall Northwest Secondary Area Plan conceptual design, be submitted to the City of Welland for review to the satisfaction of the Director of Infrastructure Services/City Engineer.
19. That the Owner submit to the City of Welland for review and approval by the Director of Infrastructure Services/City Engineer, a detailed stormwater management plan for the subdivision.
20. That water modelling be completed to ensure adequate capacity and fire flow exist for this development prior to the full construction of other watermain in the area. The Owner agrees that water modelling will be completed by the City at the Owner's expense. Should the water modelling identify that external watermain are required to achieve the required fire flow and/or pressure for this development, the design and construction of those watermain will be at the Owner's expense if they wish to proceed before other development in the area. Where these watermain are identified in the City's development charge by-law, subject to the Development Charges Act, the Owner will be entitled to a credit or to a cash payment for this work, the choice of which will be at the City's sole discretion. The Owner must enter into an agreement with the City to receive such credit or payment.
21. That the Owner agrees that construction shall not commence until all required external storm and sanitary works are constructed.
22. The City is completing the preliminary design of Quaker Road adjacent to the development. The Owner's Engineer shall coordinate with the City as necessary.
23. The detailed design and reconstruction of Quaker Road from the east limit of Rice Road intersection to Niagara Street, including urbanization, sanitary sewer, and storm sewer, shall be completed by the Owner. The design shall be submitted to the City for review and approval. The construction is to be completed within 2 years of draft plan approval. This work is identified in the City's development charge-by law and, subject to the Development Charges Act, the Owner will be entitled to a credit or to a cash payment for this work, the

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choice of which will be at the City's sole discretion. The Owner must enter into an agreement with the City to receive such credit or payment.

24. That the cross section for Street 'C' will incorporate on-street parking on one side of the road, a 3m asphalt multi-use trail on one side of the road, and a 1.5 m sidewalk on the other side of the road.
25. That prior to any site alteration, approval from the Director of Infrastructure Services/City Engineer is required. The Owner shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies, and plans.
26. That prior to registration of this plan, the Owner must obtain Consolidated Linear Infrastructure - Environmental Compliance Approval from the City of Welland for sanitary sewer, storm sewer, and storm water management works needed to service the proposed development.
27. That prior to registration of this plan, the Owner must submit Ministry of Environment 'Form 1' Record of Watermains Authorized as a Future Alteration.
28. That the Owner shall be responsible for the construction of all primary and secondary services in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.
29. That at the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in conformity with the approved plans. Copies of the certification shall be circulated to the City of Welland and the Regional Municipality of Niagara.
30. That foundation drains will not be connected to sanitary sewer systems.
31. That roof water drainage from any structure or building shall be directed via downspouts either discharging to splash pads (concrete or other suitable material) or with extensions onto grass surfaces. Flows must be directed away from the building, not onto sidewalks or driveways, and not toward adjacent properties.

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32. That the storm water management ponds on Block 296 and Block 297 will be assumed separate from the remainder of the Subdivision. These storm water management ponds will be assumed once all Phases of the Subdivision are assumed and either 90% of all contributing areas to that pond have been developed or it has been 3 years since the assumption of the last Phase of the Subdivision. The Owner agrees to pay their share of any post-construction monitoring of the receiving storm water management ponds required by the consolidated linear infrastructure compliance approval, and for the cleaning of the storm water management ponds prior to assumption. The Owner's share shall be calculated based on contributing land area. Securities for the monitoring and pond cleaning will be held until assumption of the storm water management ponds.
33. That the Towpath drain outlet from the Northwest Secondary Plan Area to Niagara Street be re-aligned in accordance with the Northwest Welland Stormwater Management Implementation Plan prepared by Upper Canada Consultants in conjunction with the completion of the stormwater management works for this Subdivision. This work is identified in the City's development charge-by law and, subject to the Development Charges Act, the Owner will be entitled to a credit or to a cash payment for this work, the choice of which will be at the City's sole discretion. The Owner must enter into an agreement with the City to receive such credit or payment.
34. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
35. That the owner provides a written undertaking to Niagara stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.

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36. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm capacity in the Regional system prior to the City signing off the CLI ECA
37. That the City obtain, on behalf of the owner, approval from the Regional Municipality of Niagara to connect to the Region's trunk sanitary sewer.
38. That prior to approval of the final plan or any on-site grading, the owner submit a stormwater management report for the subdivision, and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
 - b. Detailed erosion and sedimentation control plans.
 - c. Prior to final approval for registration of this plan of subdivision, the owner shall submit confirmation that the stormwater management facilities required to service this development are thru City CLI-ECA process.
39. That the Subdivision Agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plans required in accordance with the above-noted condition.
40. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development. Where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary "T" turnaround or cul-de-sac designed to Regional standards.
41. that the owner/developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.

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42. That the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement.
43. That the Developer submits to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, staging and sequencing, and construction sediment control drawings. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
44. That prior to the commencement of any works or site alterations, the Owner shall obtain Work Permits from the NPCA for any works associated with the construction of the proposed stormwater outlet to the Towpath Drain. In support of the application, the following information will be required:
 - a. Detailed design plans respecting the outlet, with associated riprap.
 - i. Outfalls and riprap should not be perpendicular to flows and an updated design to align with the watercourse flow should be included for the works permit.
 - b. Any other information as may be determined necessary by the NPCA.
45. That the Developer provides a 1.5 metre high (minimum) chain link fence along the lot lines of Blocks 1 to 21, 143, 223 to 233 (lot lines along the Towpath Drain) to the satisfaction of the Niagara Peninsula Conservation Authority.
46. That the Towpath Drain Block be zoned Environmental Conservation; Hazard; or similar zone categories that appropriately protect the features within these Blocks, to the satisfaction of the Niagara Peninsula Conservation Authority
47. That Conditions 43 to 46 above be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

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48. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
- a. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
49. The owner further agrees to:
- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
50. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
51. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further

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agrees and acknowledges to convey such easements at no cost to Bell Canada.

52. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost. Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

The Owner acknowledges and agrees that it is the responsibility of the Owner to provide entrance/service duct(s) at their own cost from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner shall be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

53. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:

Region of Niagara: 34-42

Niagara Peninsula Conservation Authority: 43-47

Canada Post: 48-50

Bell Canada: 51-52