



## **The Corporation of the Town of Fort Erie By-law 15-2024**

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**Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law 150-06 for the Town of Fort Erie Planning Area**

**Amendment 78**

**1211, 1225, 1237 Pettit Road, Marina (Pettit Road) Developments Inc. – Owner**

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The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

- 1. That** amendment 78 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
- 2. That** this by-law shall come into force and take effect on the day of the final passing thereof.
- 3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 26<sup>th</sup> day of February 2024.**

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Mayor

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Clerk

**AMENDMENT 78  
TO THE  
OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWN OF FORT ERIE**

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

## **SECTION 1**

### **TITLE AND COMPONENTS**

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment 78 to the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment 78 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area.

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

## **SECTION 2**

### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Low Density Residential" to "Site Specific Policy Area 50 – 1211-1237 Pettit Road" to permit 74 street townhouse dwellings, 18 semi-detached dwellings, and five single-detached dwellings, and a maximum gross density of 26 units/ha.

## **SECTION 3**

### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are municipally known as 1211, 1225 and 1237 Pettit Road as shown on Schedule "A" attached hereto.

## **SECTION 4**

### **BASIS OF THIS AMENDMENT**

Subsection 13.7(III) of the Official Plan adopted by By-law 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

#### **A. The need for the proposed use;**

The proposed change of land use designation to a site-specific policy area will permit development of primarily underutilized residential land as an extension of the High Pointe Subdivision and will provide a comprehensive mix of housing choices and will extend and connect public roads between the subdivisions. Comprehensively, the existing High Pointe Subdivision and proposed Draft Plan of Subdivision will provide 117 single detached dwellings, 18 semi-detached dwellings, and 102 street townhouses.

#### **B. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;**

The subject lands are located in an established area of the Spears-High Pointe neighbourhood. There are existing single detached dwellings along Pettit Road and single detached and townhouse dwellings within the constructed High Pointe Subdivision, commercial uses are along Garrison Road south of the proposed development, and a draft approved subdivision (Spears Garden Subdivision) east of Pettit Road that consist of single

detached and townhouse dwellings. The proposed development will be compatible with the existing and draft approved housing forms in the area.

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

The subject lands are impacted by the Town's Environmental Conservation (EC) Area Overlay due to the presence of Woodlands over 2ha in size as identified within the Town's Natural Areas Inventory. Per Section 8.1 X of the Official Plan, Town staff required the submission of an Environment Impact Study (EIS) to evaluate potential impacts to natural heritage features as a result of the proposed development. In addition, Town Environmental staff requested an EIS addendum be prepared that addresses the potential need for a wildlife movement Corridor. Staff have reviewed the EIS addendum prepared by Myler Ecological Consulting which does not recommend the necessity for a wildlife movement corridor on the lands. Though Town staff believes it is best practice to incorporate wildlife corridors into development, staff accept the professional opinion by the consultant and therefore did not recommend that a 30 m wildlife corridor be provided.

**D. The location of the area under consideration with respect to:**

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

The subject lands are located within the urban boundary and will utilize municipal water and sanitary services along Pettit Road. The proposed development can be connected to municipal services along Pettit Road, however, a Holding provision is being proposed until sanitary service capacity can be confirmed to the Town's and Region's satisfaction.

The proposed road network and sidewalks will provide a connection to Pettit Road and Garrison Road. Pettit Road is a local collector road that provides convenient access to Garrison Road that will connect travellers to local commercial uses and amenities, while Pettit Road will provide access to the Queen Elizabeth Way. The owner will construct sidewalks within the subdivision connecting the existing sidewalk in High Pointe Subdivision to Pettit Road and across the entire frontage of subject lands along Pettit Road and south to Nathaniel Drive.

**E. The compatibility of the proposed use with uses in adjoining areas;**

There is a mix of low-density and medium-density residential uses surrounding the subject lands. These residential dwellings consist of primarily 1-1.5 storey single detached dwellings along Pettit Road, and 1-2 storeys single-detached and townhouse dwellings in the High Pointe Subdivision. The proposed townhouse dwellings will be adjacent to existing townhouse dwellings, which will help maintain the character of Marina Drive. Similarly, the proposed single-detached dwellings will maintain the existing character of Pettit Road. Along Garrison Road are commercial uses and a gas station at the corner of Pettit Road and Garrison Road. The proposal is compatible with its surrounding uses as it will provide similar residential built form and building height.

**F. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;**

The proposed development is not anticipated to have any depreciating or deteriorating impacts on adjacent residential uses.

**G. The potential effect of the proposed use on the financial position of the municipality; and**

The proposal will not negatively affect the financial position of the municipality, subject to a Holding provision being applied that would restrict development until it can be demonstrated that sufficient sanitary capacity is available. If the owner wants to expedite upgrades to the Alliston Sewage Pumping Station (SPS), the owner may enter into a front-ending agreement

with the Region to construct the proposed development. The Owner may also enter into a front-ending agreement with the Town for upgrades to local municipal infrastructure.

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

In accordance with the Town's Official Plan, the proposed development is not anticipated to impact the intent and implementing regulations of the *Environmental Protection Act*. The Niagara Region recommends a 30 m wide block to be zoned and designated for Environmental Conservation along the western property line for the purpose of a wildlife corridor. However, Town Environmental staff was not previously involved to provide comment on a Terms of Reference that was developed for the Environmental Impact Study. Staff also note corridor policies in the Town's Official Plan do not specify unmapped corridors on Schedule C, and therefore Town staff accept the professional opinion of Myler Ecological Consulting that a corridor is not necessary as it pertains to the Town's policies.

## **SECTION 5**

### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

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

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment 78 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of the subject lands shown on Schedule "A" attached hereto shall change from Low Density Residential and Environmental Conservation Area (Overlay) to "Site Specific Policy Area 50".
2. The subject lands described as Site Specific Policy Area 50 on Schedule "A" attached hereto are hereby redesignated to:

### **1211, 1225, 1237 PETTIT ROAD (Site Specific Policy Area 50)**

The lands designated on Schedule "A" as "Specific Policy Area 50" shall generally be governed by the Medium Density Residential policies of Section 4.17.7 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan.

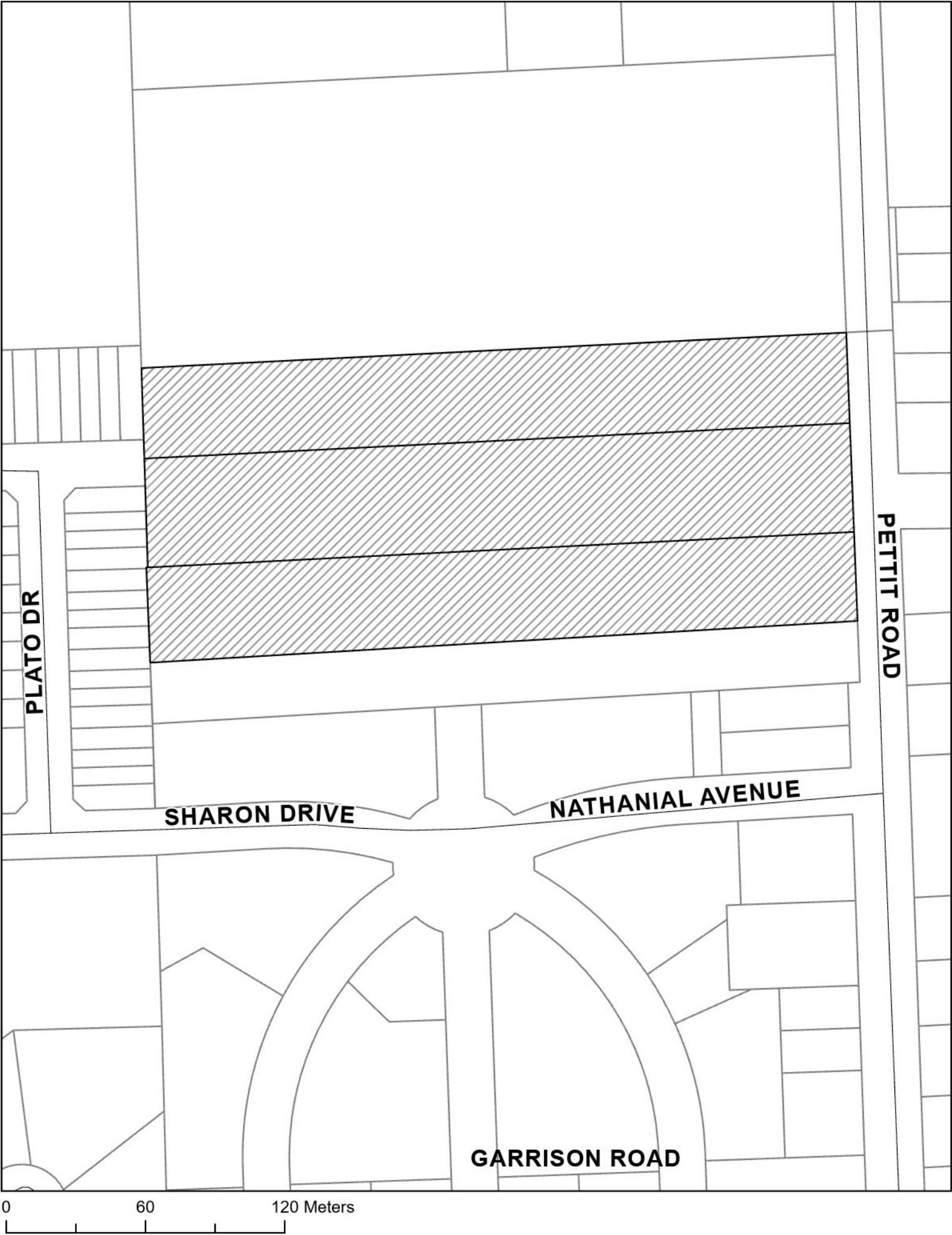
Notwithstanding the Medium Density Residential policies of Section 4.17.7 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan, the following shall apply:

- i. In addition to the permitted used under Section 4.17.7 (a), single detached dwellings and semi-detached dwellings shall be permitted.
- ii. The subject lands shall have a maximum gross density of 26 units per hectare.





## **PART “C” - THE APPENDICES**

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



**BY-LAW 15-2024**  
**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL**  
**PLAN PASSED THIS 26TH DAY OF FEBRUARY 2024**

-  Subject lands - 1211, 1225, 1237 Pettit Road
-  Change designation from Low Density Residential to Site Specific Policy Area 50




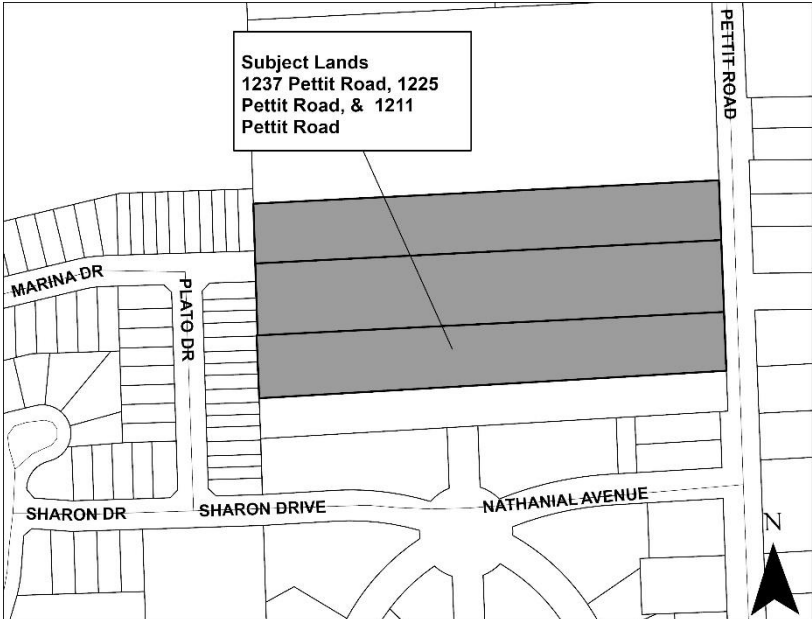

By-law 15-2024 - Appendix 1

# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING



Owner – Marina (Pettit Road) Developments Inc.  
Agent – NPG Planning Solutions (Lichheng Lim)  
Location - 1211, 1225, 1237 Pettit Road  
Proposed Draft Plan of Subdivision, Official Plan and Zoning  
By-Law Amendment  
*APPLICATIONS: 350302-173, 350309-0576 and 350308-0133*

DATE:  
TIME:  
PLACE:

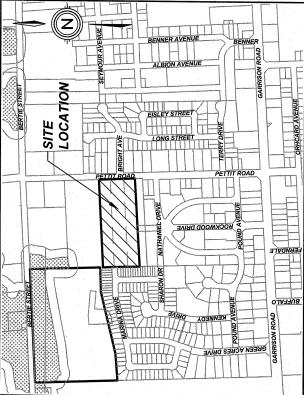
November 20, 2023  
6:00 PM  
This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

	<div> <div>LOCATION OF SUBJECT LANDS</div>  </div>
	<div> <div>WHAT WILL THIS AMENDMENT CHANGE:</div> <div> <p>An application has been received for a Draft Plan of Subdivision for 1211, 1225 and 1237 Pettit Road to create 31 blocks for five (5) single-detached dwellings, eight (8) semi-detached dwellings, and 87 townhouse dwellings. The Draft Plan of Subdivision is attached as Schedule 1.</p> <p>Applications have also been received for an Official Plan Amendment and Zoning By-law Amendment.</p> <p>The subject lands are located within the urban area and are designated Low-Density Residential and Environmental Conservation Area (Overlay) in the Spears-High Pointe Secondary Plan. The Official Plan Amendment application proposes to redesignate the subject lands to Medium-Density Residential with a site-specific policy area to permit low-density development in the Medium Density Residential designation and an increase in density.</p> <p>The subject lands are zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended. The Zoning By-law Amendment proposes to rezone the subject lands to Residential Multiple 1 (RM1) Zone with a site-specific provision to permit street townhouse dwellings. The site-specific zoning provisions pertain to the various housing types and address the minimum lot frontage, minimum unit frontage, minimum lot area, and maximum lot coverage.</p> </div> </div>

By-law 15-2024 - Appendix 1

	<p><b><u>HAVE YOUR SAY</u></b></p> <p>Input on the proposed Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>Residents can participate in the Council meeting <u>in person in Council Chambers, OR</u> virtually via Zoom (audio/video via web or by telephone). The link for the Zoom meeting will be provided on the Town’s website an hour before the Council meeting.</p> <p>The Town of Fort Erie Council meeting live webcast will be streamed at <a href="http://www.youtube.com/townofforterie">www.youtube.com/townofforterie</a> or click on the YouTube icon on the home page of the Town’s website (<a href="http://www.forterie.ca">www.forterie.ca</a>).</p> <p><b><u>GETTING MORE INFORMATION</u></b></p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>November 15, 2023</b>. The information report will be available in the Council agenda portion of the Town’s Website: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Samantha Yeung, Junior Development Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Samantha Yeung, Intermediate Development Planner</b> <b>Planning and Development Services Department</b> <b>Town Hall, 1 Municipal Centre Drive</b> <b>Fort Erie, Ontario L2A 2S6</b> <b>905-871-1600 ext. 2528</b> Or by e-mailing your comments to: <a href="mailto:syeung@forterie.ca">syeung@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the Zoning By-law Amendment, please send a letter c/o Ashlea Carter, Deputy Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:acarter@forterie.ca">acarter@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie’s Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about appeal rights, please send a letter c/o Ashlea Carter, Deputy Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:acarter@forterie.ca">acarter@forterie.ca</a></p> <p>Notice dated October 31, 2023.</p>

**HIGH POINTE EAST  
FORT ERIE**



N.T.S.

**LEGAL DESCRIPTION**

**PART OF LOT 2, CONCESSION 5 NIAGARA  
RIVER, GEOGRAPHIC TOWNSHIP OF BERTIE  
NOW IN THE TOWN OF FORT ERIE  
REGIONAL MUNICIPALITY OF NIAGARA**


# OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY  
AUTHORIZE UPPER CANADA CONSULTANTS TO  
PREPARE AND SUBMIT THIS DRAFT PLAN OF  
SUBDIVISION TO THE TOWN OF FORT ERIE  
FOR APPROVAL.


 MARINA (PETTIT ROAD) DEVELOPMENTS INC.

# SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF  
THE LANDS TO BE SUBDIVIDED ARE  
CORRECTLY SHOWN.

ROY KIRKUP  DATE April 06, 2023

**REQUIREMENTS OF SECTION 51(17)**  
**OF THE PLANNING ACT**

- d) SEE PLAN  
e) SEE PLAN  
f) SEE PLAN  
g) SEE PLAN  
h) SEE PLAN  
i) CLAY LOAM  
j) SEE PLAN  
k) FULL SERVICE  
l) SEE PLAN

## LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(q)
SINGLE FAMILY RESIDENTIAL	1-5	8	0.950	7.250
SEMI-DETACHED RESIDENTIAL	6-9	8	0.950	7.250
STREET TOWN RESIDENTIAL	10-26	87	1.062	8.533
ADDITIONAL LAND	27-30	10	0.071	1.451
STEWARTSON HALL FACILITY	31	0.980	7.81	
1.4500000000000000	32-33	0.073	0.58	
1.4500000000000000	34-35	0.073	0.58	
1.4500000000000000	36-37	1.447	16.27	
TOTAL		100	3.629	100.00

DEVELOPABLE AREA = 3.629ha  
DEVELOPABLE DENSITY = 26.12 units/ha

0	ISSUED FOR REVIEW	2023-03-31	TA
1	REVISION	DATE	INIT



<p><b>DRAFT PLAN OF SUBDIVISION</b></p>	DRAWING TITLE	DRAFTING	TA
		DATE	MARCH 31, 2023
		PRINTED	MARCH 31, 2023
		SCALE	1:500
		DWG No.	REV







**The Municipal Corporation of the Town of Fort Erie  
Council in Committee Minutes**

**Monday, November 20, 2023, 6:00 p.m.  
Council Chambers**

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**1. Call to Order**

The meeting was called to order at 6:00 p.m.

**2. Land Acknowledgement**

Mayor Redekop provided a land acknowledgment.

**3. Roll Call**

The Clerk gave the roll call.

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott and Noyes

Staff: A. Herlovitch, J. Janzen, C. McQueen, C. Patton, P. Todd and K. Walsh.

**4. Announcements/Addenda**

There was one Addenda which removed the following item under Closed Session:

12.1 13365 Pettit Road (OLT-23-000275)

Mayor Redekop made the following announcements:

**Christmas Tree Lighting Ceremony - Ridgeway**

The Ridgeway Business Improvement Area hosted a Tree Lighting Ceremony with a Children's Choir on Friday, November 17th. Mayor Redekop encouraged everyone to visit downtown Ridgeway after dark to enjoy the decorations and noted that Christmas on the Ridge will occur from December 1st to 2nd.

## **By-law 15-2024 - Appendix 2**

### **Community Living Annual Gala - Christmas Around the World**

Community Living held its annual fundraising event on Saturday, November 18th, themed Christmas in Greece. This event is Community Living's major fundraising event of the year and was well attended.

### **Santa Claus Parade - Bridgeburg Station Downtown**

Mayor Redekop congratulated the Bridgeburg Station Downtown Business Improvement Area and all the organizers for a very successful Santa Claus Parade on Saturday, November 18th.

#### **5. Declarations of Pecuniary Interest**

None.

#### **6. Notice of Upcoming Public Meetings and Open Houses**

- 6.1 2024 Budget Meeting Schedule
- 6.2 Public Meeting - Amendment to Tree By-law 60-04 (To Regulate the Destruction, Injury and Harvesting of Trees)
- 6.3 Open House - Proposed Official Plan and Zoning By-law Amendment (557 Walden Boulevard)
- 6.4 Public Meeting - Process to Review and Update Official Plan
- 6.5 Public Meeting - Proposed Development Charges Rates and Policies

#### **7. Public Meetings**

- 7.1 Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment - 1211-1237 Pettit Road

Mayor Redekop announced that this portion of the meeting would be devoted to holding the Public Meeting.

Samantha Yeung, Intermediate Development Planner, provided a PowerPoint Presentation.

Aaron Butler and Licheng Lim, NPG Planning Solutions, Agent, provided a PowerPoint Presentation.

The following individuals provided oral comments on the application:

- Patrick Frawley, 1238 Plato Drive
- Italia Reeves, 1178 Pettit Road
- Janice Frawley, 1238 Plato Drive
- Bob Trendel, 1199 Pettit Road

The Clerk confirmed that no additional written comments were received.

## By-law 15-2024 - Appendix 2

**Mayor Redekop declared the Public Meeting closed.**

### 7.2 PDS-76-2023

Recommendation 1

Moved by: Councillor Christensen

**That:** Council receives for information purposes Report PDS-76-2023 regarding a proposed Draft Plan of Subdivision, and combined Official Plan and Zoning By-law Amendment for 1211, 1225, and 1237 Pettit Road.

**Carried**

### 7.3 Combined Official Plan and Zoning By-law Amendment - 5047 Abino Hills Road

Mayor Redekop announced that this portion of the meeting would be devoted to holding the Public Meeting.

Daryl Vander Veen, Intermediate Development Planner, provided a PowerPoint Presentation.

Aaron Butler, NPG Planning Solutions, Agent, provided a PowerPoint Presentation.

The following individuals provided oral comments on the application:

- Lura Bechtel, 88 Scott Street Unit 3408, Toronto

The Clerk confirmed that no additional written comments were received.

**Mayor Redekop declared the Public Meeting closed.**

### 7.4 PDS-77-2023

Recommendation 2

Moved by: Councillor Lewis

**That:** Council approves the amendment to the Town's Official Plan and Zoning By-law 129-90 as detailed in Report PDS-73-2023 for the lands known as 5047 Abino Hills Road, and further

**That:** Council directs Staff to submit the necessary by-laws.

**Carried**

## 8. Consent Agenda

Recommendation 3

Moved by: Councillor Lewis



## By-law 15-2024 - Appendix 2

**That:** Council approves the Consent Agenda as recommended.

**Carried**

### 8.1 IS-23-2023

**That:** Council accepts and approves the tender submission for the Oakes Park Sport Field Lighting Replacement, Contract ISE-23T-OAKES23 from Beam Power and Utilities Ltd. in the amount of \$428,236.10 (including 13% HST); and further

**That:** Council amends the 2023 Capital Budget to supplement the Oakes Park Ball Diamond Improvements capital project (OAKE23), with \$155,000 from the Parkland Reserve Fund.

**Carried**

### 8.2 IS-24-2023

**That:** Council receives Report IS-24-2023 for information purposes.

**Carried**

### 8.3 CS-11-2023

**That:** Council authorizes the appointment of Grant Thornton LLP as auditor of the Town of Fort Erie for fiscal years 2023-2025, and further

**That:** Council accepts and approves the entry into an agreement with Grant Thornton LLP to provide audit services for a three (3) year term with cost of \$268,772 (including 13% HST) and an option to renew for two (2) additional one (1) year terms at a cost to be negotiated and approved at that time, and further

**That:** Council directs staff to circulate Report CS-11-2023 to the Fort Erie Public Library Board and Business Improvement Areas ("BIA"s) for information purposes, and further

**That:** Council authorizes staff to prepare the necessary by-law, enter into the Agreement and repeal By-law 101-2020.

**Carried**

### 8.4 CS-12-2023

**That:** Council receives Report CS-12-2023 regarding the 2023 3<sup>rd</sup> Quarter Financial Report for information purposes, and further

**That:** Council directs staff to transfer \$429,000 from the Emergency Management Reserve to the Operating Levy, and further

## By-law 15-2024 - Appendix 2

**That:** Council directs staff to transfer \$135,000 from the General Levy Rate Stabilization (GLRS) Reserve to the Operating Levy, and further

**That:** Council amends the capital job PPLS21 by transferring all revenues, costs, and funding from Capital to Operating.

**Carried**

### **9. Planning and Development Services**

*Chaired by: Councillor Dubanow*

#### **9.1 Presentations and Delegations**

None.

#### **9.2 Reports**

None.

#### **9.3 New Business/Enquiries**

None.

#### **9.4 Business Status Report**

No changes.

### **10. Infrastructure Services**

*Chaired by: Councillor Noyes*

#### **10.1 Presentations and Delegations**

None.

#### **10.2 Reports**

None.

#### **10.3 New Business/Enquiries**

None.

#### **10.4 Business Status Report**

No changes.

### **11. Corporate and Community Services**

*Chaired by: Councillor McDermott*

#### **11.1 Presentations and Delegations**

None.

#### **11.2 Reports**

## By-law 15-2024 - Appendix 2

None.

### 11.3 New Business/Enquiries

None.

### 11.4 Business Status Report

No changes.

## 12. Closed Session

### 12.1 613 Helena Street

### 12.2 13365 Pettit Road (OLT-23-000275)

### 12.3 0-15850 Rebstock Road (OLT23-000311)

Recommendation 4

Moved by: Councillor McDermott

**That:** Council goes into Closed Session at 8:04 p.m. to consider the following:

- Pursuant to Section 239 (e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board). Re: 613 Helena Street
- Pursuant to Section 239 (e) of the Municipal Act, 2001, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board), and Section 239 (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. Re: 0-15850 Rebstock Road (OLT23-000311)

**Carried**

## 13. Back to Open Session

Recommendation 5

Moved by: Councillor Lewis

**That:** Council rises and reconvenes from Closed Session at 8:36 p.m. with report that:

- Regarding item 12.1 that Council directs staff and legal counsel to proceed as directed in closed session.
- Regarding item 12.3 that Council directs staff and legal counsel to proceed as directed in closed session.

## By-law 15-2024 - Appendix 2

**Carried**

### **14. Scheduling of Meetings**

Members of Council announced upcoming Board and Committee meetings from November 20, 2023, to November 27, 2023.

### **15. Adjournment**

Recommendation 6

Moved by: Councillor Dubanow

**That:** Council adjourns Council-in-Committee at 8:37 p.m.

**Carried**

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Mayor

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Clerk

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## Interoffice Memorandum

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September 15, 2023

Our File: 350309-0576 & 350308-0133

Sent via: EMAIL

**To:** Samantha Yeung, M.Sc. Pl, Junior Planner  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
Keegan Gennings, CBCO, Chief building Official  
Mohammad Kamruzzaman, CPT, Zoning Technician  
Jessica Goodings, Senior Fire Prevention Officer  
Tikki Yuen, O.A.L.A., Landscape Architect  
Yashesh Gandhi, Transportation E.I.T., Infrastructure Services  
**From:** Brad Johnston, C.E.T., Supervisor, Development Engineering  
**Subject:** Official Plan / Zoning By-law Amendment  
Draft Plan of Subdivision - Development Engineering Comments  
REVISED – NOVEMBER 6, 2023  
**Address:** 1211 – 1237 Pettit Road

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Development Engineering has had an opportunity to review the proposed submissions of OPA/ZBA/DPS, and offer the following comments and conditions, however the conditions, **unless otherwise stated**, shall apply only to the Draft Plan of Subdivision.

### Roads

Pettit Road is designated a Collector road as per the Town's Official Plan. It's current width along this section is 20.0m. It also falls within the Spears – High Pointe Secondary Plan, noting additional width requirements along the west side, to accommodate an ultimate approximate 26.0m right-of-way width from Garrison Road north. Also, a local watermain exists on these subject lands along the frontage, within an easement, and also potentially overhead Canadian Niagara Power infrastructure. The Town therefore requires a road widening of 5.18m (17') measured from the centerline of the original road allowance in accordance with Registered Plan 128 – New Plan 468, and recent widenings taken south of the property per at 1187-1193 Pettit Road as per Plan 59R-7211, as well as in accordance with limits established by the Spears – High Pointe Secondary Plan along the frontage of 1237 Pettit Road, to be dedicated free and clear of any encumbrances to be known as Public Highway *Pettit Road*.

The Town's Official Plan requires that day-lighting triangles be included and identified at the intersections of streets proposed to connect to Town rights-of-way. In this case, Collector (Pettit Road) – Local roads (Street 'B') respectively, shall be subject to the Owner dedicating 7.0m x 7.0m daylighting triangles to the Town, free and clear of any encumbrances, the limits of which to be included as part of the Public Highway *Pettit Road*.

**By-law 15-2024 - Appendix 3**

OPA, ZBLA, Draft Plan of Subdivision (TBD); 1211, 1225, and 1237 Pettit Rd., Fort  
EriePrimeCities to syeung 08/23/2023 03:06 PM  
From "PrimeCities" <WSP.PrimeCities@wspdigitalfactory.com>  
To syeung@forterie.ca

Bell  
Cana

**8/23/2023**

**Samantha Yeung**

**Fort Erie**

**Fort Erie (Town)**

**Attention: Samantha Yeung**

**Re: OPA, ZBLA, Draft Plan of Subdivision (TBD); 1211, 1225, and 1237 Pettit Rd., Fort Erie; Your File  
No. TBD**

**Our File No. DTS: 37635 / Circ: 37910**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

**Bell Canada Condition(s) of Approval**

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

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](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

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

**Concluding Remarks:**

**By-law 15-2024 - Appendix 3**

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,

Bell Canada Signatory

Juan Corvalan  
Senior Manager - Municipal Liaison  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca).

92;#Infrastructure|99ba27ae-002d-47ab-aa90-899ac195e6e7 Bell Canada Bell Canada

## By-law 15-2024 - Appendix 3



RE: Fw: Request for Comments - Fort Erie Planning Applications for 1211-1237 Pettit Road (Draft Plan of Subdivision, OPA and ZBA)Mustafa, Sheraz to Samantha Yeung  
11/09/2023 07:56 AM  
From "Mustafa, Sheraz" <Sheraz.Mustafa@cnpower.com>  
To "Samantha Yeung" <SYeung@forterie.ca>  
History:This message has been replied to.

Hello Samantha,

CNP has no concerns with this application.

Regards,  
Sheraz

---



## By-law 15-2024 - Appendix 3



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

August 25, 2023

Samantha Yeung, MSc PI  
Junior Development Planner  
Planning & Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Samantha,

Re: Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment  
Marina (Petit Road) Development Inc.  
1211, 1225 and 1237 Pettit Road  
Town of Fort Erie  
File No.: Not Provided

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.  
([https://enbridge.outsystemsenterprise.com/GetConnected\\_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp\\_UI%2F](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F))

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

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

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Willie Cornelio'.

**Willie Cornelio** CET  
Sr Analyst Municipal Planning  
Engineering

ENBRIDGE  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](https://enbridge.com)  
Safety. Integrity. Respect. Inclusion.

## By-law 15-2024 - Appendix 3



RE: NPCA Review: 1211-1237 Pettit Road (Draft Plan of Subdivision, OPA and ZBA)  
Taran Lennard to Samantha Yeung 09/13/2023 01:25 PM  
From "Taran Lennard" <tlennard@npca.ca>  
To "Samantha Yeung" <SYeung@forterie.ca>

Good Afternoon Samantha,

The NPCA has reviewed the EIS, titled High Pointe East Draft Plan of Subdivision dated June 2023. Under current NPCA Policies and direction at this time, the NPCA does not regulate unevaluated wetlands under 0.5 hectares. The EIS explains that the wetlands found on 1211 Pettit Rd total 0.03 hectares, with a potential future expansion section on 1199 Pettit Rd of 0.12 hectares. This falls under the threshold that the NPCA would regulate.

As such, the NPCA does not over objections to the approval of these applications and would not require any future circulations.

Thank you.



**Taran Lennard**

Watershed Planner II

**Niagara Peninsula Conservation Authority (NPCA)**

250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 x277

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

[tlennard@npca.ca](mailto:tlennard@npca.ca)

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

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

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

## By-law 15-2024 - Appendix 3



RE: Request for Comments - Fort Erie Planning Applications for 1211-1237 Pettit Road  
(Draft Plan of Subdivision, OPA and ZBA)Lagakos, Ted (MTO) to Samantha Yeung

08/28/2023 10:41 AM

From "Lagakos, Ted (MTO)" <Ted.Lagakos@ontario.ca>

To "Samantha Yeung" <SYeung@forterie.ca>

Good morning Samantha,

Thank you for bringing this application to the ministry's attention. Lands are located outside our permit control limits; hence, we have no further comments.

Sincerely,

**Ted Lagakos | Senior Project Manager (West)**

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7<sup>th</sup> Floor, Toronto, ON. M3M 0B7

Telephone: 416-268-3932| Email: [ted.lagakos@ontario.ca](mailto:ted.lagakos@ontario.ca)

**Ontario** 

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September 14, 2023

Samantha Yeung, MSc Pl  
Junior Development Planner Planning & Development Services  
The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

**RE: Applications for Draft Plan of Subdivision, Official Plan Amendment & Zoning Bylaw  
Amendment  
High Pointe East  
1211-1237 Pettit Road**

Dear Ms. Yeung,

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for the lands located at 1211-1237 Pettit Road. We understand the proposed applications will facilitate the development of five (5) single-detached dwellings, 4 blocks for eight (8) semi-detached dwelling units, and 17 blocks for 87 townhouse units.

DSBN Planning staff has completed its review and has no objections to the application. Future students from this area would attend Garrison Rd PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12).

Board staff request that, as a condition of approval, sidewalks be constructed within the development to facilitate student travel to the school/bus stop locations.

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

Sincerely,

Sue Mabée, MCIP, RPP  
Supervisor of Planning

## **Growth Strategy and Economic Development**

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

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

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### **Via Email Only**

September 28, 2023

Region File: D.10.01.OPA-23-0041

D.18.01.ZA-23-0089

D.11.01.SD-23-0040

Samantha Yeung  
Junior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan  
of Subdivision Applications  
Town Files: 350302-173, 350309-576 & 350308-133  
Owner: Marina (Pettit Road) Development Inc.  
Applicant: NPG Planning Solutions Inc.  
1211, 1225 and 1237 Pettit Road  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Official Plan Amendment, Zoning-By-law Amendment, Draft Plan of Subdivision applications for 1211, 1225 and 1237 Pettit Road in the Town of Fort Erie. The proposed amendments are requested to facilitate the construction of five single-detached dwellings fronting on Pettit Road, eight semi-detached dwelling units, 17 blocks for 87 townhouse units, and a stormwater management pond on a new proposed public street network with two blocks of land being retained for future development.

The subject lands are currently designated Low Density Residential and Environmental Conservation in Fort Erie's Spears-High Pointe Secondary Plan, and zoned Neighbourhood Development Zone and Environmental Conservation Overlay Zone in accordance with the Town's Zoning By-law. The OPA proposal requests to re-designate the lands from Low Density Residential to Medium Density Residential, while the ZBA

proposes to rezone from the existing Neighbourhood Development Zone to a site specific Residential Multiple Zone with site-specific provisions for minimum lot frontage, minimum lot area, and minimum lot coverage relief.

A pre-consultation meeting for the proposed development was held September 8, 2022, where the applicant, the Town and Regional staff were in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.

## **Provincial and Regional Policies**

The subject lands are within the “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”). 1211 and 1225 Pettit Road lands are “Delineated Built Up Area” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated “Built Up Area” under the *Niagara Official Plan, 2022* (“NOP”). Similarly, 1237 Pettit Road lands are “Designated Green Field Area” under the Growth Plan, and designated “Designated Greenfield Area” under the NOP.

Provincial and Regional policies direct development to take place in Urban Areas to support Greenfield Areas development and intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Greenfield Area and Built-Up Area designations, subject to sequential and orderly development with existing built-up areas, availability of adequate municipal services, infrastructure and policies regarding land use compatibility, environmental conservation and archaeological resources. Staff note the proposed development will make use of currently underutilized, serviced, residential lands, and will contribute to the Town of Fort Erie’s Built-Up Areas intensification target of 50% as set out within Table 2-2 of the NOP. Furthermore, this development supports the NOP by providing a mix of housing options to the community to support forecasted growth.

Regional staff is in general agreement with the provided Planning Justification Report (“PJR”), prepared by NPG Planning Solutions Inc (dated August 2023), which outlines the proposal represents good land use, contributes to the provision of a diverse range of housing options, and supports the achievement of the Town’s housing and density target. Staff notes the NOP outlines that Designated Greenfield Areas are to achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Accordingly, the PJR illustrates the 1237 Pettit Road lands as achieving a greenfield density of 67.73 residents per hectare (based on 3 single detached dwellings, 6 semi-detached dwellings and 30 townhouse dwellings and 1.187 ha). The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved on a municipal-wide basis and should be satisfied that the proposal conforms to the neighbourhood density targets in the Spears-High Pointe Secondary Plan.

Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore regional staff defer consideration of these aspects of the proposed development to Town Planning staff. As such staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

## **Archaeological Potential**

The PPS and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Although the subject lands are not mapped within Schedule K of the NOP, A Stage 1-2 Archaeological Assessment has been provided for the subject lands as required by the Town of Fort Erie.

Regional staff have reviewed the Stage 1 and 2 Archaeological Assessments, completed by AMICK Consultants limited (dated March 30, 2023, and August 10, 2023 respectively). Archaeological resources were not uncovered through the completion of the studies, as such, it is concluded that no further archaeological assessments are warranted and that the proposed undertaking is clear of any archaeological concern. Regional staff requires the Ministry's letter of acknowledgement for the provided reports. An appropriate condition has been included within the attached Appendix.

Additionally, in recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff require the inclusion of a standard archaeological resource warning clause within the Draft Plan of Subdivision Agreement. An appropriate condition has been included within the attached Appendix.

Staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

## **Natural Heritage**

A pre-consultation meeting for the proposal was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed.

Accordingly, the environmental policies of the previous Regional Official Plan (ROP) apply to the proposal.

Under the ROP, the subject properties were not mapped as within the Region's Core Natural Heritage System (CNHS). However, based on aerial imagery available to the Region, it appeared that there was potential for wetlands and woodlands to be located throughout the subject properties. As such, consistent with Regional Official Plan (ROP) policy 7.B.1.8, Environmental Planning staff requested the completion of a Constraints Analysis to determine if any Regionally designated CNHS features were present.

Staff have reviewed the Environmental Impact Study (EIS), prepared by Myler Ecological Consulting (dated June 2023), which indicates that there are no Regionally designated CNHS features on the subject properties. Specifically, species at risk and significant wildlife habitat were confirmed absent and according to the EIS the existing naturalized areas on the properties did not meet any of the designation criteria outlined in the ROP.

Staff are generally in agreement that residential development can be accommodated in this location without significant negative impact to the CNHS. However, the EIS has not adequately considered the potential need for a wildlife linkage/corridor on the subject properties to accommodate the movement of flora and fauna between naturalized areas located both north and south of the subject lands. As such, staff request that an EIS Addendum be prepared in order to satisfy the Region that the conclusions of the EIS are valid, specifically that a corridor/linkage is not required on the subject properties as part of the OPA/ZAB submission. If a corridor/linkage is determined to be required, recommendations related to an appropriate location, size, ecological design, etc., should be provided.

Staff are available to working with the applicant and are able to meet to discuss the provided comments. Please contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 should you have any questions or to arrange a meeting.

## **Stormwater Management**

Staff reviewed 'Preliminary Stormwater Management Plan High Point East', prepared by Upper Canada Consultant (dated February 2023). The plan proposes the development stormwater be directed to Garrison Road storm sewer and ultimately to Kraft Drain at Phillips Street. A stormwater management (SWM) pond is proposed to be installed and outlet to new storm sewers on Pettit Road to Garrison Road (Regional Road 3). Based on a review of the report, staff offer the following comments:

- As the site flows are not entirely south to Kraft Drain and its northwest portion contains sandy soil, Low Impact Development stormwater management practices must be implemented to mitigate development impacts.
- The Report lacks information how the pond outflow is to be accommodated in storm sewers on Pettit Road and Garrison Road during storms severer than a 5-



year event, as Garrison Road storm sewer is sized for a 2-year storm. It is unclear whether new storm sewers along Pettit Road will collect road runoff, and what water quality treatment is to be.

- The quality orifice needs to be sized to detain a 25mm rainfall-runoff volume over a period of 24 hours. The development runoff volume is about 635m<sup>3</sup>, however the drawdown time is not evident. The Report only indicates a drawdown time of extended storage (i.e., 1,254 m<sup>3</sup>).
- It is suggested that a 24-hour 100-year storm be included to confirm the pond can safely accommodate the site storm flow.
- It is recommended that, under separate cover, a detailed SWM pond inspection and maintenance manual based on the MECP SWM Manual (2003) Section 6.0 and Town operation staff input be prepared for the future owner.
- Figure numbering discrepancies were noted throughout the report and are to be addressed.

The SWM facility is subject to the satisfaction of Town, ensuring their storm infrastructure requirements are adequately addressed. The Region requests a copy of the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) prior to the final approval. Appropriate conditions regarding SWM have been included within the attached Appendix.

## **General Site Servicing**

Regional staff note that servicing will be under the jurisdiction of the Town of Fort Erie and will require the construction of water, sanitary and storm services for the proposed development area. As a condition of Draft Plan approval, the Region must review and approve available capacity in the Regional infrastructure. Detailed engineering design drawings with calculations for the services must be submitted for review and approval.

The Region has a trunk watermain along Pettit Road as listed in the Functional Servicing Report prepared by Upper Canada Consultants (dated February, 2023). Staff note the submission did not include engineering drawings; therefore the Regional Staff will require plan and profile drawings showing all proposed crossing of the watermain be submitted for review and approval by Regional Water/Wastewater Engineering staff, an appropriate condition has been included within the attached appendix.

## **Waste Collection**

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

### By-law 15-2024 - Appendix 3

*D.10.01.OPA-23-0041, D.18.01.ZA-23-0089 & D.11.01.SD-23-0040*

*September 28, 2023*

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- No limit blue/grey containers (weekly collection);
- No limit green containers (weekly collection); and,
- 2 garbage containers per unit (bi-weekly collection)

Staff notes if the above limits cannot be met, waste collection will be the responsibility of the Owner through a private contractor. Future application submissions are to show trucks entering the subdivision from both directions on Pettit Road, and include details such as curb radii, truck route, and truck turning templates to ensure Regional truck maneuverability on site. Appropriate waste collection conditions have been included within the attached Appendix.

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff do not object to the proposed Official Plan Amendment, Zoning-By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium applications, and is satisfied that the proposal is consistent with the PPS, and conforms to Provincial and Regional plans, subject to the submission of the EIS addendum regarding the corridor/linkages conclusions for the subject properties and the outlined conditions of Draft Plan approval included in the attached Appendix.

Staff notes that the Official Plan Amendment is exempt from Regional Council approval in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send a copy of the staff report and notice of the Town's decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region

## **Appendix I**

### **Regional Condition of Draft Plan of Subdivision Approval**

#### **1211, 1225 and 1237 Pettit Road, Fort Erie**

1. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment reports and that it be shared to the Region. If the Ministry requires further archaeological work to be completed prior to acknowledging the reports, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading, or other soil disturbances shall take place on the subject property prior to issuance of a letter from the MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That the subdivision and condominium agreements between the Applicant/Owner and Town of Fort Erie include the following warning clause:

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

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

3. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors be submitted to the Region for review and approval:

### **By-law 15-2024 - Appendix 3**

*D.10.01.OPA-23-0041, D.18.01.ZA-23-0089 & D.11.01.SD-23-0040*

*September 28, 2023*

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- 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.
4. That the subdivision agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the above condition.
5. 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.
6. That the Owner provides a written undertaking to Niagara Region 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 Town.
7. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary drainage systems in order that the Region can confirm capacity within the Regional system.
8. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit engineering drawings showing all servicing crossings of the Regional Watermain for review and approval by the Region.
9. That the Owner ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
10. That the Subdivision Agreement contain a condition that the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection.

### **Clearance of Conditions**

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

### **Subdivision / Condominium Agreement**

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

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

## **Growth Strategy and Economic Development**

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

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

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### **Via Email Only**

January 4, 2024

Region File: D.10.01.OPA-23-0041

D.18.01.ZA-23-0089

D.11.01.SD-23-0040

Samantha Yeung  
Junior Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan  
of Subdivision Applications  
Town Files: 350302-173, 350309-576 & 350308-133  
Owner: Marina (Pettit Road) Development Inc.  
Applicant: NPG Planning Solutions Inc.  
1211, 1225 and 1237 Pettit Road  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Official Plan Amendment ("OPA"), Zoning-By-law Amendment ("ZBA"), and Draft Plan of Subdivision applications for 1211, 1225 and 1237 Pettit Road in the Town of Fort Erie. The proposed amendments are requested to facilitate the construction of five single-detached dwellings fronting on Pettit Road, eight semi-detached dwelling units, 17 blocks for 87 townhouse units, and a stormwater management pond on a new proposed public street network with two blocks of land being retained for future development.

Regional comments for the above noted applications were circulated to the Town on September 28, 2023. On December 18, 2023, the Town circulated an Environmental Impacts Study ("EIS") Addendum, and the Ministry of Citizenship and Multiculturalism's acknowledgement of the Stage 1 archaeological report. Additionally on December 19, 2023, a meeting between the Agent, Town and Regional staff regarding the Alliston

Sewage Pumping Station sewershed took place. In light of the newly available information, staff provide the following updated Regional comments and conditions of Draft Plan Approval from a Provincial and Regional perspective to assist the Town in their consideration of these applications. Staff note previous stormwater management, site servicing, and waste collection comments provided September 28, 2023, remain applicable.

## **Provincial and Regional Policies**

The subject lands are within the “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”). The subject lands have split designation under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and the *Niagara Official Plan, 2022* (“NOP”). The subject lands at 1211 and 1225 Pettit Road are “Delineated Built Up Area”, and the subject land at 1237 Pettit Road are “Designated Greenfield Area”.

Provincial and Regional policies direct development to take place in Urban Areas to support Designated Greenfield Area (“DGA”) development and intensification in Built-Up Areas where appropriate servicing and infrastructure exists and capacity is available. A full range of residential uses are generally permitted within the DGA and Built-Up Area designations, subject to sequential and orderly development with existing built-up areas, availability of adequate municipal services, infrastructure and policies regarding land use compatibility, environmental conservation and archaeological resources. Staff note the proposed development will make use of currently underutilized, serviced, residential lands, and will contribute to the Town of Fort Erie’s Built-Up Areas intensification target of 50% as set out within Table 2-2 of the NOP. Furthermore, this development supports the NOP by providing a mix of housing options to the community to support forecasted growth. However, as outlined further in the ‘Sewershed’ section below, it is currently understood that the existing sewage infrastructure servicing the subject lands does not have adequate capacity to accommodate the proposed development. It has been noted, through Town correspondence, that a zoning change with a Holding (H) provision and Draft Plan condition with regards to sanitary constraints be applied until sanitary issues are resolved.

Regional staff is in general agreement with the provided Planning Justification Report (“PJR”), prepared by NPG Planning Solutions Inc (dated August 2023), which outlines the proposal represents good land use, contributes to the provision of a diverse range of housing options, and supports the achievement of the Town’s housing and density target. Staff notes the NOP outlines that Designated Greenfield Areas are to achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Accordingly, the PJR illustrates the 1237 Pettit Road lands as achieving a greenfield density of 67.73 residents per hectare (based on 3 single detached dwellings, 6 semi-detached dwellings and 30 townhouse dwellings and 1.187 ha). The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved on a municipal-wide basis and should be satisfied that the

proposal conforms to the neighbourhood density targets in the Spears-High Pointe Secondary Plan.

Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff. As such staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the Town's satisfaction from a local planning perspective and the below comments.

### **Archaeological Potential**

The PPS and NOP state that that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province. Although the subject lands are not mapped within Schedule K of the NOP, a Stage 1-2 Archaeological Assessment has been provided for the subject lands as required by the Town of Fort Erie.

Regional staff have reviewed the Stage 1 and 2 Archaeological Assessments, completed by AMICK Consultants limited (dated March 30, 2023, and August 10, 2023 respectively). Archaeological resources were not uncovered through the completion of the studies, as such, it is concluded that no further archaeological assessments are warranted and that the proposed undertaking is clear of any archaeological concern. Staff received the Ministry's acknowledgement letter (dated December 7, 2023) for the Stage 1 Archaeological Assessment stating the report has been entered into the Ontario Public Register of Archaeological Reports without technical review. Regional staff also requires the Ministry's letter of acknowledgement for the Stage 1-2 Archaeological Assessment dated August 10, 2023. An appropriate condition has been included within the attached Appendix.

Additionally, in recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, Regional staff require the inclusion of a standard archaeological resource warning clause within the Draft Plan of Subdivision Agreement. An appropriate condition has been included within the attached Appendix.

Staff acknowledge that the Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.



## **Natural Heritage**

Environmental Planning staff have reviewed the EIS Addendum, prepared by Myler Ecological Consulting (dated December 3, 2023), which was prepared to address previous Regional comments associated with the need for a wildlife corridor on the subject lands to accommodate the movement of flora and fauna between naturalized areas located north and south of the property. Based on staff review of supplemental information outlined in the EIS Addendum, the Region continues to recommend that a wildlife corridor be provided along the western extent of the subject lands. This recommendation is consistent with established scientific literature relating to the value that urban wildlife corridors provide as conduits for species movement and biodiversity. Not incorporating a wildlife corridor would in essence isolate the woodland/wetland located south of the subject lands from adjacent natural areas.

On this basis, staff recommends that the Town implement a 30 m wide block zoned and designated for environmental conservation adjacent to the western property line. A recommended condition has been included within the attached Appendix. Staff recommend that the Town forward a copy of the updated OPA and ZBA schedules for Regional review to confirm that Regional requirements have been addressed.

Staff are available to work with the applicant and are able to meet to discuss the provided comments. Please contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 should you have any questions or to arrange a meeting.

## **Sewershed**

The proposed development is within the Alliston Sewage Pumping Station (“SPS”) sewershed. Based on the circulated 1211 Wastewater Servicing Review prepared by GM Blue Plan Engineering (dated November 29, 2023) completed for the Town, the capacity of the SPS is exceeded during wet weather events. The report recommends an upgrade to the Alliston SPS prior to further development proceeding. The Region’s 2021 Water and Wastewater Master Servicing Plan (“MSP”) has indicated that an upgrade to the station will be required to accommodate all anticipated growth in the SPS sewershed. The required Alliston SPS upgrade is identified in the Region’s 2025 draft capital forecast but requires budget approval. Due to budget constraints and other priorities, it is possible that this capital project be deferred and may not be completed prior to the proposed development. The Town’s Pollution Prevention Control Plan had identified this catchment as an area that would benefit from an Infiltration/Inflow (I/I) reduction program to help potentially gain additional capacity in the system in order to allow for some development. Staff recommend the inclusion of a Draft Plan Condition to ensure capacity at the station is available through I/I reduction and/or station upgrade prior to registration of the subdivision. An appropriate condition has been included within the attached Appendix.

Staff notes if upgrades are required at the Alliston SPS, the design will need to be completed in accordance with Regional design standards by one of the approved

### By-law 15-2024 - Appendix 3

*D.10.01.OPA-23-0041, D.18.01.ZA-23-0089 & D.11.01.SD-23-0040*

*January 4, 2024*

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Regional consultants and approvals for the upgrade obtained. Should the owner want to consider a front ending agreement with the Region to expedite the upgrade project, then the owner will be required to enter into a legal agreement with the Region for the associated works.

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff do not object to the proposed Official Plan Amendment, Zoning-By-law Amendment, and Draft Plan of Subdivision applications, and is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans. As discussed above, staff recommends that a copy of the updated OPA and ZBA schedules be forwarded for Regional review with regards to the corridor/linkages and the outlined conditions of Draft Plan approval included in the attached Appendix.

Based on the above comments the proposed OPA would be exempted from Regional Council approval in accordance with NOP Policy 7.4.1.6 and 7.4.1.7 and the Memorandum of Understanding.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Please send a copy of the staff report and notice of the Town's decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region

## **Appendix I**

### **Regional Condition of Draft Plan of Subdivision Approval**

#### **1211, 1225 and 1237 Pettit Road, Fort Erie**

1. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the Stage 1-2 Archaeological Property Assessment - 1199, 1211, 1225 & 1237 Pettit Road, Town of Fort Erie, Part of Lot 2, Concession 5 Niagara River (Geographical Township of Bertie), Regional Municipality of Niagara report (dated August 10, 2023) and that it be shared to the Niagara Region. If the Ministry requires further archaeological work to be completed prior to acknowledging the reports, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading, or other soil disturbances shall take place on the subject property prior to issuance of a letter from the MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2. That the subdivision agreement between the Applicant/Owner and Town of Fort Erie include the following warning clause:

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

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

3. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated as well as the creation of wetland habitat to encourage of the movement of amphibians

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*January 4, 2024*

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and reptiles through the corridor. The Restoration Plan shall be completed by an environmental professional.

4. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Niagara Region. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with Region's Woodland Conservation By-law.
5. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Restoration Plan and Tree Protection Plan.
6. That prior to approval of the final Draft Plan, the owner shall submit detailed sanitary sewer design information (flows, timing, revised flows for any changes to development plans) for the subdivision. Prior to final approval, the anticipated design flows will be submitted to the Town and Region along with flow monitoring information and potential system upgrades to ensure available capacity at the Alliston Sewage Pumping Station. The report is to be sealed by qualified professional engineer.
7. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors be submitted to the 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.
8. That the subdivision agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the above condition.
9. 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.
10. That the Owner provides a written undertaking to Niagara Region 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 Town.

11. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary drainage systems in order that the Region can confirm capacity within the Regional system.
12. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit engineering drawings showing all servicing crossings of the Regional Watermain for review and approval by the Region.
13. That the Owner ensure that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
14. That the Subdivision Agreement contain a condition that the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection.

### **Clearance of Conditions**

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

### **Subdivision Agreement**

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

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual

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conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

## By-law 15-2024 - Appendix 3

### 1211-1237 Pettit Road - Planning Applications DPS, OPA & ZBA

Keegan Gennings to Samantha Yeung

09/17/2023 05:22 PM

From Keegan Gennings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie

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Hi Samantha,

I have reviewed the proposed planning applications noted above and don't have any comments concerning the applications but the owner is reminded of the following:

- 1) Demolition permits will be required for the removal of the existing dwellings.
- 2) Development charge credits will be available for the houses that have been demolished provided they are used within 5 years to the demolition permit issuance.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515

## By-law 15-2024 - Appendix 3

**1211-1237 Pettit**

**Jessica Goodings** to Samantha Yeung

09/11/2023 09:12 AM

From Jessica Goodings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie

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Good morning Samantha,

At this point in time the fire department has no comments or concerns in regard to the proposed subdivision.

Thanks,

**Jessica Goodings, CFEI, CCFI-C**  
**Senior Fire Prevention Officer**  
Fort Erie Fire Department  
[www.forterie.ca](http://www.forterie.ca)  
P: 905.871.1600, ext. 2605  
C: 289-321-0019



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## Interoffice Memorandum

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September 15, 2023

Our File: 350309-0576 & 350308-0133

Sent via: EMAIL

**To:** Samantha Yeung, M.Sc. Pl, Junior Planner  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
Keegan Gennings, CBCO, Chief building Official  
Mohammad Kamruzzaman, CPT, Zoning Technician  
Jessica Goodings, Senior Fire Prevention Officer  
Tikki Yuen, O.A.L.A., Landscape Architect  
Yashesh Gandhi, Transportation E.I.T., Infrastructure Services  
**From:** Brad Johnston, C.E.T., Supervisor, Development Engineering  
**Subject:** Official Plan / Zoning By-law Amendment  
Draft Plan of Subdivision - Development Engineering Comments  
REVISED – NOVEMBER 6, 2023  
**Address:** 1211 – 1237 Pettit Road

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Development Engineering has had an opportunity to review the proposed submissions of OPA/ZBA/DPS, and offer the following comments and conditions, however the conditions, **unless otherwise stated**, shall apply only to the Draft Plan of Subdivision.

### Roads

Pettit Road is designated a Collector road as per the Town's Official Plan. It's current width along this section is 20.0m. It also falls within the Spears – High Pointe Secondary Plan, noting additional width requirements along the west side, to accommodate an ultimate approximate 26.0m right-of-way width from Garrison Road north. Also, a local watermain exists on these subject lands along the frontage, within an easement, and also potentially overhead Canadian Niagara Power infrastructure. The Town therefore requires a road widening of 5.18m (17') measured from the centerline of the original road allowance in accordance with Registered Plan 128 – New Plan 468, and recent widenings taken south of the property per at 1187-1193 Pettit Road as per Plan 59R-7211, as well as in accordance with limits established by the Spears – High Pointe Secondary Plan along the frontage of 1237 Pettit Road, to be dedicated free and clear of any encumbrances to be known as Public Highway *Pettit Road*.

The Town's Official Plan requires that day-lighting triangles be included and identified at the intersections of streets proposed to connect to Town rights-of-way. In this case, Collector (Pettit Road) – Local roads (Street 'B') respectively, shall be subject to the Owner dedicating 7.0m x 7.0m daylighting triangles to the Town, free and clear of any encumbrances, the limits of which to be included as part of the Public Highway *Pettit Road*.

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The Owner shall be required accurately identify the dedicated block(s), for review and approval, on the Draft M-Plan, prior to its registration in the Land Registry Office. This land dedication shall be a condition required applicable to the Plan of subdivision application.

In new subdivisions, where the future public roads are transferred in ownership to the Town upon the subdivision plan's registration, the lands become the Town's in terms of ownership only, and the Town does not accept maintenance responsibilities for the rights-of-way and services until the subdivision has been assumed and the roads dedicated as Public Highway. Until such time, the Owner is responsible for all required maintenance obligations as well as liabilities for damages. As part of the subdivision development process, the Owner / Developer shall install adequate signage along the roads within and at the limits of the subdivision noting 'Unassumed Roads – Use at Your Own Risk', to which standard signage designs are governed by the Ministry of Transportation.

It must be noted that Pettit Road has been previously identified for upgrade to Two-lane Urban Standard in the Town's 2018-2023 Development Charge Background Study, noted as DC Project #SH1b, from Garrison Road to Bertie Street projected to 2029-2030. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. As a result, recent discussions between the Town's Planning and Engineering staff has determined it is not financially practical for Pettit Road's upgrades to urban standard south to Garrison Road, be designed and reconstructed with the costs front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for proper design and reconstruction within the above noted budgeted years (2029-2030).

It should also be noted that the proposed Draft Plan does not appear to conform with the road network and lot fabric previously accepted for the Spears – High Pointe Secondary Plan.

### **Conditions for Roads:**

1. The design for the public roads within the development be prepared by a Professional Engineer at a 20.0m right-of-way cross-section standard in accordance with the Town's current standards, as amended to the satisfaction of the Director of Infrastructure Services; and
2. Construction vehicle access shall be limited to and from Pettit Road, throughout the development's construction process, inclusive of the private blocks, until full build-out is completed. Access through the existing residential neighbourhood roads (Marina Drive) shall be prohibited; and
3. The proposed public road Street 'B' shall be named to the satisfaction of the Town of Fort Erie; and
4. The Owner identify and dedicate to the Town, free and clear of any mortgages, liens, and encumbrances, a road widening of 5.18m (17') measured from the centerline of the original road allowance in accordance with Registered Plan 128 – New Plan 468, as well as a limit established by the Spears – High Pointe Secondary Plan along the frontages, to be known as Public highway *Pettit Road*; and

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5. The Owner identify and dedicate to the Town, free and clear of any mortgages, liens, and encumbrances, a 7.00m x 7.00m daylighting triangle to be known as Public Highway *Pettit Road*; and
6. Until assumption of the subdivision secondary services through By-law by the Municipality and the rights-of-way dedicated as Public Highway, the Owner shall install and maintain signage within and at the limits of the subdivision roads noting 'Unassumed Roads – Use at Your Own Risk', to the satisfaction of the Director of Infrastructure Services

### Transportation Impact Study

A Transportation Impact Study (TIS) identifies the benefits and impacts of a proposed development or redevelopment, how the proposed development can benefit the existing transportation network and vice versa, and how any transportation impacts associated with the proposed development can be mitigated and addressed against the Town of Fort Erie's existing and future road networks. It also serves as the basis for the identification of existing or proposed safety concerns and evaluates improvements or measures required. The TIS also can address connectivity between the development and the existing transportation networks, for all modes (cars, trucks, transit, cyclists and pedestrians) expected to access or leave the development site.

The Owners have submitted a Traffic Impact Study associated with this proposal, prepared, and certified by J.D. Northcote Engineering Inc. The Town's Infrastructure Services – Traffic Division has had an opportunity to review and comment on the proposal submitted. These comments shall be provided under separate cover (attached) and the report revised accordingly for further review and comment, prior to approval. The implementation of a TIS as reviewed and approved by the Town of Fort Erie, shall be a condition as required, applicable to the Plan of subdivision application.

#### ***Conditions for Transportation Impact Study:***

1. A Transportation Impact Study be prepared and certified by a Professional Transportation Engineering Consultant, to the satisfaction of the Director of Infrastructure Services, and any recommendations noted, be implemented as part of the development of the plan of subdivision

### Sidewalks, Curbs, and Driveway Aprons

Understanding construction works will be required to connect the new public road to the existing Marina Drive to the west, care should be taken not to damage the existing curbing on Marina Drive during construction of the proposed road connection.

Sidewalks shall be proposed along the future public roads and at the standard location of 1.0m off street property line. Further connections of the proposed sidewalks to existing links shall be identified to the existing Marina Drive, along the south boulevard of the proposed Marina Drive, along the internal block frontages of Street 'B', and the south frontage of Street 'B' where it is proposed to connect to Pettit Road, with tactile warning surfaces provisioned accordingly. Curbs and sidewalks do not exist along the subject land frontage of Pettit Road, given that both Pettit Road is currently in a semi-

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urban cross-section state. Sidewalks shall therefore also be designed and accommodated along the entire Pettit Road frontage of the proposed subdivision lands.

All proposed driveway aprons shall also be installed at a minimum with paved hard surface asphalt from the street property lines to the edge of road asphalt. New purchasers shall be advised that sidewalks will be accommodated along their applicable frontages, accordingly.

### ***Conditions for Sidewalks, Curbs, and Driveway Aprons:***

1. A minimum 1.50m wide sidewalk shall be constructed on the south side of the public road extension of Marina Drive, along the internal Block frontages of Street 'B', the south side of Street 'B' approaching Pettit Road, and the west side of the frontage of Pettit Road, in accordance with the Town's standards, to the satisfaction of the Director of Infrastructure Services; and
2. The subdivision agreement includes a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from edge of road asphalt to the property lines."*

## **Geotechnical/Hydro-geotechnical Report**

A soils investigation report shall be required, prepared, and certified by a qualified Geotechnical Engineer/Consultant, containing comments and analysis for existing soils related to the proposed roads, services, and pavement design. A soils investigation report comments on typical soil characteristics to accommodate proposed developments. The report would be expected to provide recommendations and any other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to the proposed services. A chemical component should also always be considered.

### ***Conditions for Geotechnical/Hydro-geotechnical Report:***

1. The Owner shall submit to the Town for review and approval a Geotechnical report with a hydrogeological component, chemical analysis and pavement design included, prepared by a qualified geotechnical engineering consultant, to the satisfaction of the Director of Infrastructure Services

## **Linear Engineering Services**

### **Watermains**

### **Pettit Road**

### **Marina Drive**

150mm C.I.

150mm P.V.C.

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, within the future public road(s), and be looped and connected to the Town's existing water distribution system from Marina Drive east to Pettit Road. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing &

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Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system, as per the current Consolidated Linear Infrastructure license program.

As noted, a local watermain exists on these subject lands along the frontage, within an easement, approximately similar in width as the required right-of-way widening of 5.18m (17').

It must be noted that the Pettit Road watermain has been previously identified for replacement and upsizing in the Town's 2018-2023 Development Charge Background Study, noted as DC Project #SH1b, from Garrison Road to Nathaniel Drive projected to 2031-2034. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. As a result, recent discussions between the Town's Planning and Engineering staff has determined it is not financially practical for the Pettit Road watermain south to Garrison Road, be designed and reconstructed with the costs front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for proper design and reconstruction within the above noted budgeted years (2029-2030).

### **Conditions for Watermains:**

1. The Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town's standards, as amended, and constructed to the satisfaction of the Director of Infrastructure Services; and
2. The Owner's Consulting Engineer submit a **Form 1 – Record of Watermains Authorized as a Future Alteration** form to the satisfaction of the Director of Infrastructure Services; and
3. The Owner adheres to the Town's current Drinking Water Quality Management System Requirements and Criteria

### **Sanitary Sewers**

### **Pettit Road**

### **Marina Drive**

200mm AC

200mm PVC

The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, a minimum size of 200mm within the future public road(s).

The Owner has submitted with this Draft Plan application, a Functional Servicing Report prepared and certified by Upper Canada Consultants dated February 2023. The High Pointe subdivision (Marina Drive) sanitary sewer system was not designed to accommodate sanitary flows from this proposed development. It is therefore proposed to service this development to the existing Pettit Road sanitary sewer with a 200mm diameter sanitary sewer extended into the site. Sanitary flows from the Pettit Road sanitary sewer are currently conveyed south to Garrison Road, and then directed east to the Alliston Avenue Pumping Station, before ultimately discharging to the Anger Avenue Wastewater Treatment Plant.

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Although the report comments on the minimal input of proposed flows against the overall design capacity of the receiving sewer, it shall be required that the Functional Servicing Report be forwarded for additional peer review by the Town's sanitary sewer consultant, with the intent that the Town's model be updated to include these ultimate lands in the overall system. **The Owner is therefore advised that a further peer review of the submitted Functional Servicing Report shall be completed by the Town's Sanitary Engineering Consultant, at an additional fee of \$2,250.00, in order to confirm that existing flows in the sewer network will not negatively affect any existing conditions downstream. This additional fee and review shall be required as condition for the approval of the Zoning By-law Amendment application.**

The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

### **Conditions for Sanitary Sewers:**

1. The Owner submits to the Town for review and approval a Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, to the satisfaction of the Director of Infrastructure Services; and
2. The Owner shall have the sanitary sewer system and appurtenances and any required improvements to the existing system designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and be constructed at the cost of the Owner, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Consulting Engineer adhere to and submit the required sanitary sewer documents applicable to the Town's Consolidated Linear Infrastructure program

### **Storm Sewers**

### **Pettit Road**

### **Marina Drive**

None (Road side Ditches) 300mm P.V.C.

The Owner shall have an adequately sized storm sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, to outlet expected peak storm flows to a secured and suitable outlet, using the 5-year storm design. The Owner has submitted with this Draft Plan application, a Stormwater Management Component of the Functional Servicing Report prepared and certified by Upper Canada Consultants dated February 2023, and notes the Town's standards are one and the same as the Region's for quantity control, to the 100-year storm event. The Consulting Engineer has proposed a Stormwater Management Facility applicable to the Block fronting Pettit Road, for ultimate discharge to the Pettit Road storm sewer, also proposed to be constructed from Garrison Road north, to accommodate this development.

It must be noted that Pettit Road has been previously identified for upgrade to Two-lane Urban Standard with storm sewers in the Town's 2018-2023 Development Charge

Background Study, noted as DC Project #SH1b, from Garrison Road to Bertie Street projected to 2029-2030. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. Since the development requires an outlet be designed and installed to accommodate flows from the site regardless, south along Pettit Road to the Town's existing 750mm storm sewer on Garrison Road, the Owner shall be required to additionally design the sewer to be sized to also accommodate Pettit Road to the future urban cross-section condition, and the sewer be constructed and the costs front-ended by the Owner as a condition of this development application, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST. The Town shall make best efforts to pay the share of applicable as-constructed storm sewer costs, to be further determined through the Plan of Subdivision process and agreement.

The Owner shall also make themselves familiar with the requirements of the Town's current Storm Sewer and Facility Consolidated Linear Infrastructure licenses, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

***Conditions for Storm Sewers:***

1. A Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director of Infrastructure Services; and
2. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge the front yards only, not the side yards; and
3. The Owner have their Consulting Engineer provision for the design and construction of Pettit Road's storm sewer with future urban cross-section design needs, and the Owner be responsible to front-end the design and construction costs associated, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST. The Town shall make best efforts to pay the share of applicable as-constructed costs, to be further determined through the Plan of Subdivision process and agreement; and
4. The Owner's Consulting Engineer adhere to and submit the required storm sewer and facility documents applicable to the Town's Consolidated Linear Infrastructure program; and
5. That the subdivision agreement includes a clause requiring that each agreement of purchase and sale state that "*Roof downspouts shall discharge only to the ground surface via splash pads to the front yard.*"

**Erosion & Sediment Control**

As a condition of approval, the Owner's Consulting Engineer must submit an outline of a proposed erosion and sediment control plan. This may contain any or all the following measures and must be approved by the Town, to the satisfaction of the Director of Infrastructure Services:

- Sediment traps or temporary retention ponds
- Seeding of topsoil stockpiles
- Isolated stripping of development lands
- Vegetation screens
- Silt and erosion control fencing methods
- Entrance mud mats, and outlet erosion controls, rip rap, filter cloth, etc.

- Construction Staging areas

The Owner shall also make themselves familiar with the requirements of the Town's current Erosion and Sediment Control Plan Consolidated Linear Infrastructure requirements, and ensure these requirements are met, prior to the Town authorizing construction / grading works applicable.

***Conditions for Erosion & Sediment Control:***

1. An Erosion & Sediment Control Plan be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director of Infrastructure Services; and
2. The Owner's Consulting Engineer adhere to and submit the required Erosion and Sediment Control Plan documents applicable to the Town's Consolidated Linear Infrastructure program;

**Construction Impact Mitigation Strategy**

The Town is committed to ensuring that disruptions to the existing residents and community are minimized, resulting from traffic associated with construction activity. Mitigating the disruptive impacts of construction-related traffic on streets is an important part of the development and construction process. The intent is to provide safe passage for pedestrians, cyclists, and vehicular traffic around or through a construction site, with as little inconvenience, impact, and delay as possible, and with minimal on-street parking removals required. A strategy that outlines how the proponent intends to address construction traffic, shall be required.

***Conditions for Construction Impact Mitigation:***

1. A Construction Impact Mitigation Strategy outlining how the proponent intends to address the construction impact mitigation principles as they relate to the site development and surrounding external areas required for municipal improvements, be submitted for review and approval, to the satisfaction of the Director of Infrastructure Services

**Lot Grading & Stormwater Management**

The Owner shall have an adequately designed Master Grading Control Plan prepared by a qualified Professional Engineer, to the satisfaction of the Director of Infrastructure Services and in accordance with the Town's current standards. The grading control concept for this development shall identify existing grades surrounding the proposed site, and proposed grades on and within the proposed development, identifying overland flow routes, proposed building envelope grades and proposed basement floor elevations for review and acceptance.

Weeping tile discharges via sump pump shall be accommodated towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this and also ensure that rainwater leaders (downspouts) are directed/discharged to the front and rear of the lots only. The location



and direction of the roof water discharge pipes and sump pumps must be identified on the Master Lot Grading and Drainage plan.

***Conditions for Lot Grading & Stormwater Management:***

1. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director of Infrastructure Services; and
2. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to implement the approved Master Lot Grading Plan to the satisfaction of the Director of Infrastructure Services.

**Pre-Construction Condition Survey**

The Owner shall obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on and within the subject lands and lands external to the site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of any claims for damages.

***Conditions for Pre-Construction Condition Surveys:***

1. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to perform and submit to the Town a Pre-Construction Condition survey for all existing abutting properties and structures surrounding all areas of proposed infrastructure installations, to the satisfaction of the Director of Infrastructure Services, prior to the commencement of any construction works

**Engineering Fees and Securities for Performance Obligations**

The Owner shall be required to submit to the Town, Engineering, Inspection, Service Connections, and Water testing fees, and construction / development securities for performance obligations involved with ensuring the design and construction of services to develop the above subject lands and required off-site works are completed and function in accordance with Town's standards for assumption, to the satisfaction of the Director of Infrastructure Services.

***Conditions for Engineering Fees and Securities for Performance Obligations:***

1. The Owner submits to the Town the required fees for Engineering, Inspection, Service Connections, and Water testing fees, and construction securities for performance obligations through the means of entering into a pre-servicing and/or subdivision agreement, to the satisfaction of the Director of Infrastructure Services

**PSAB, Records & Asset Management**

The Public Sector Accounting Board's (PSAB) 3150 Regulations set the standard for Municipalities to record and report their existing and future tangible capital assets through a comprehensive management approach. Digital data shall be provided by the Owner in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, for compliance to the above PSAB requirements.

***Conditions for PSAB, Records & Asset Management:***

1. The Owner submits to the Town the digital data for connections, in accordance with the Town of Fort Erie's Standards, and the actual costs of construction of all assets to be assumed by the Town through the subdivision agreement, to the satisfaction of the Director of Infrastructure Services

**Engineering Construction, and Geotechnical Compaction Inspections**

The Owner's Engineering Consultant shall be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services. Engineering Inspection shall also include provisions for Geotechnical Compaction testing for municipal servicing installations, when applicable, in accordance with the Town's standards. Weekly reports from both the Engineering Consultant and the Geotechnical Engineering Consultant, shall be forwarded to the Town of Fort Erie as part of the requirements for acceptance of the services proposed.

***Conditions for Engineering Construction, and Geotechnical Compaction Inspections:***

1. The Owner's Engineering Consultant be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and
2. The Owner's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services off-site to develop the lands, to the satisfaction of the Director of Infrastructure Services; and
3. The Owner's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director of Infrastructure

**Utilities**

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner's property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or the off-site works.

Development Engineering have no further comments or conditions to impose regarding the Draft Plan of Subdivision application, subject to the above conditions. The Owner is advised however that as a condition of the **Zoning By-law Amendment** application, **a further peer review of the submitted Functional Servicing Report shall be**

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*September 15, 2023*

**completed by the Town's Sanitary Engineering Consultant, at an additional fee of \$2,250.00, in order to confirm that existing flows in the sewer network do not currently surcharge, and whether the minor additional flows proposed from the development would negatively affect any existing conditions downstream, and the Town's Consultant update the sewer model, accordingly.**

Trusting this information is satisfactory.

Regards



Brad Johnston, C.E.T., Supervisor – Development Engineering

Attachments:            Draft Plan of Subdivision (submitted)  
                                 Traffic Impact Study – IS Comments

c.                            File No. 350309-0576 & 350308-0133  
                                 Jordan Frost, Manager of Engineering, IS (email only)  
                                 Mark Iamarino, Manager of Development Approvals, PDS (email only)  
                                 Gerrit Boerema, Manager of Community Planning, PDS (email only)  
                                 Anamika Dilwaria, Director of Planning and Development Services (email only)

# Interoffice Memorandum

## Infrastructure Services

November 06, 2023  
File No. 350308-0133

To: Samantha Yeung, Intermediate Development Planner,  
Brad Johnston, Supervisor- Development Engineering

From: Yashesh Gandhi, Transportation Engineer in Training

Subject: **DEVELOPMENT FOR HIGH POINTE EAST (MARINA HOMES) FORT ERIE  
COMMENTS ON TIS (TRAFFIC IMPACT STUDY)**

Table 1 summarizes our comments on TIS done for 1199, 1211, 1225 & 1237 Pettit Road- Town of Fort Erie. Our copy of the Draft Plan shows Street 'B' connecting Pettit Rd.

**Table 1 Comments on March 16<sup>th</sup>, 2023 -TIS by JD Northcote Engineering Inc.**

Review Item	Comments
Sight Line <ul style="list-style-type: none"> <li>External Road</li> </ul>	Provide a summary table with details or sketches for Intersection Departure and Decision Sight Distances for Street B access and driveway connections on Pettit Road.
Sight Line <ul style="list-style-type: none"> <li>Internal Road</li> </ul>	Provide comment on stopping sight distance, decision sight distance, and departure sight distance for Marina Dr. and Street B intersection. See Geometrics comment.
Geometrics <ul style="list-style-type: none"> <li>External</li> </ul>	No Comments at this time.
Geometrics <ul style="list-style-type: none"> <li>Internal</li> </ul>	It is preferred to have Street 'B' intersect with Pettit Rd, opposite John Bright Ave. However, further consultant efforts are needed regarding the Marina Drive/Street "B" Intersection in terms of Traffic Control and Sightlines. A larger Daylight triangle or Front yard setback may be required for Block 22. Please consider factors like road layout, intersections, and parking.
Traffic Operation (LOS) <ul style="list-style-type: none"> <li>External</li> </ul>	TIS appears to be based on Pettit Road as a local road. To accurately assess the impact of the proposed development on traffic operations and capacity, it is important to consider Pettit Road as a collector road.
Traffic Operation (LOS) <ul style="list-style-type: none"> <li>Internal (Intersection and Roads)</li> </ul>	Provide comments on internal intersections and roads on the impact of the proposed development on adjacent local streets.
Traffic Control <ul style="list-style-type: none"> <li>External</li> </ul>	Update minor street stop control and storage length analysis at the intersection of Pettit Road & QEW SB Ramp and Gilmore Road as the Temporary Signal has been removed. Pettit Road and QEW SB Ramp at the intersection with Gilmore Road have minor street stop sign control.
Traffic Control <ul style="list-style-type: none"> <li>Internal</li> </ul>	Provide details of the Traffic Control within the new development.
Traffic Calming <ul style="list-style-type: none"> <li>External</li> </ul>	For Information: Four requests for traffic calming have been received for Pettit Road between Bertie Street and Garrison Road. Dynamic speed sign placement is planned in 2024.
Traffic Calming	The TIS should provide recommendations for implementation on internal roadways with consideration of a traffic button/turning circle (or a mini

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<ul style="list-style-type: none"><li>• Internal</li></ul>	roundabout) at the western intersection of Marina Drive and Street 'B' within the Development. The Consultant should refer to the Town's Traffic Calming Policy By-Law number 74-2023.
Secondary Plan	We note Non-Compliance with Spears-High Pointe Secondary Plan; however, provision has been made for a single future road connection south to Nathaniel Drive.

We trust this information is of assistance.

*YKG*

Yashesh Gandhi,  
Transportation Engineer in Training

YKG  
Attachment  
ECC.

Robert D. Judd, P.Eng., Municipal Engineer – Infrastructure Renewal,  
Jordan Frost, P.Eng., Manager, Engineering Division

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## Interoffice Memorandum

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September 15, 2023

Our File: 350309-0576 & 350308-0133

Sent via: EMAIL

**To:** Samantha Yeung, M.Sc. Pl, Junior Planner  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
Keegan Gennings, CBCO, Chief building Official  
Mohammad Kamruzzaman, CPT, Zoning Technician  
Jessica Goodings, Senior Fire Prevention Officer  
Tikki Yuen, O.A.L.A., Landscape Architect  
Yashesh Gandhi, Transportation E.I.T., Infrastructure Services  
**From:** Brad Johnston, C.E.T., Supervisor, Development Engineering  
**Subject:** Official Plan / Zoning By-law Amendment  
Draft Plan of Subdivision - Development Engineering Comments  
**REVISED – JANUARY 8, 2024**  
**Address:** 1211 – 1237 Pettit Road

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Development Engineering has had an opportunity to review the proposed submissions of OPA/ZBA/DPS, and offer the following comments and conditions, however the conditions, **unless otherwise stated**, shall apply only to the Draft Plan of Subdivision.

### Roads

Pettit Road is designated a Collector road as per the Town's Official Plan. It's current width along this section is 20.0m. It also falls within the Spears – High Pointe Secondary Plan, noting additional width requirements along the west side, to accommodate an ultimate approximate 26.0m right-of-way width from Garrison Road north. Also, a local watermain exists on these subject lands along the frontage, within an easement, and also potentially overhead Canadian Niagara Power infrastructure. The Town therefore requires a road widening of 5.18m (17') measured from the centerline of the original road allowance in accordance with Registered Plan 128 – New Plan 468, and recent widenings taken south of the property per at 1187-1193 Pettit Road as per Plan 59R-7211, as well as in accordance with limits established by the Spears – High Pointe Secondary Plan along the frontage of 1237 Pettit Road, to be dedicated free and clear of any encumbrances to be known as Public Highway *Pettit Road*.

The Town's Official Plan requires that day-lighting triangles be included and identified at the intersections of streets proposed to connect to Town rights-of-way. In this case, Collector (Pettit Road) – Local roads (Street 'B') respectively, shall be subject to the Owner dedicating 7.0m x 7.0m daylighting triangles to the Town, free and clear of any encumbrances, the limits of which to be included as part of the Public Highway *Pettit Road*.

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The Owner shall be required accurately identify the dedicated block(s), for review and approval, on the Draft M-Plan, prior to its registration in the Land Registry Office. This land dedication shall be a condition required applicable to the Plan of subdivision application.

In new subdivisions, where the future public roads are transferred in ownership to the Town upon the subdivision plan's registration, the lands become the Town's in terms of ownership only, and the Town does not accept maintenance responsibilities for the rights-of-way and services until the subdivision has been assumed and the roads dedicated as Public Highway. Until such time, the Owner is responsible for all required maintenance obligations as well as liabilities for damages. As part of the subdivision development process, the Owner / Developer shall install adequate signage along the roads within and at the limits of the subdivision noting 'Unassumed Roads – Use at Your Own Risk', to which standard signage designs are governed by the Ministry of Transportation.

It must be noted that Pettit Road has been previously identified for upgrade to Two-lane Urban Standard in the Town's 2018-2023 Development Charge Background Study, noted as DC Project #SH1b, from Garrison Road to Bertie Street projected to 2029-2030. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. As a result, recent discussions between the Town's Planning and Engineering staff has determined it is not financially practical for Pettit Road's upgrades to urban standard south to Garrison Road, be designed and reconstructed with the costs front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for proper design and reconstruction within the above noted budgeted years (2029-2030).

It should also be noted that the proposed Draft Plan does not appear to conform with the road network and lot fabric previously accepted for the Spears – High Pointe Secondary Plan.

### **Conditions for Roads:**

1. The design for the public roads within the development be prepared by a Professional Engineer at a 20.0m right-of-way cross-section standard in accordance with the Town's current standards, as amended to the satisfaction of the Director, Infrastructure Services; and
2. Construction vehicle access shall be limited to and from Pettit Road, throughout the development's construction process, inclusive of the private blocks, until full build-out is completed. Access through the existing residential neighbourhood roads (Marina Drive) shall be prohibited; and
3. The proposed public road Street 'B' shall be named to the satisfaction of the Town of Fort Erie; and
4. The Owner identify and dedicate to the Town, free and clear of any mortgages, liens, and encumbrances, a road widening of 5.18m (17') measured from the centerline of the original road allowance in accordance with Registered Plan 128 – New Plan 468, as well as a limit established by the Spears – High Pointe Secondary Plan along the frontages, to be known as Public highway *Pettit Road*; and

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5. The Owner identify and dedicate to the Town, free and clear of any mortgages, liens, and encumbrances, a 7.00m x 7.00m daylighting triangle to be known as Public Highway *Pettit Road*; and
6. Until assumption of the subdivision secondary services through By-law by the Municipality and the rights-of-way dedicated as Public Highway, the Owner shall install and maintain signage within and at the limits of the subdivision roads noting 'Unassumed Roads – Use at Your Own Risk', to the satisfaction of the Director, Infrastructure Services

### Transportation Impact Study

A Transportation Impact Study (TIS) identifies the benefits and impacts of a proposed development or redevelopment, how the proposed development can benefit the existing transportation network and vice versa, and how any transportation impacts associated with the proposed development can be mitigated and addressed against the Town of Fort Erie's existing and future road networks. It also serves as the basis for the identification of existing or proposed safety concerns and evaluates improvements or measures required. The TIS also can address connectivity between the development and the existing transportation networks, for all modes (cars, trucks, transit, cyclists and pedestrians) expected to access or leave the development site.

The Owners have submitted a Traffic Impact Study associated with this proposal, prepared, and certified by J.D. Northcote Engineering Inc. The Town's Infrastructure Services – Traffic Division has had an opportunity to review and comment on the proposal submitted. These comments shall be provided under separate cover (attached) and the report revised accordingly for further review and comment, if required, prior to approval. The implementation of a TIS as reviewed and approved by the Town of Fort Erie, shall be a condition as required, applicable to the Plan of subdivision application.

#### ***Conditions for Transportation Impact Study:***

1. A Transportation Impact Study be prepared and certified by a Professional Transportation Engineering Consultant, for review and approval, to the satisfaction of the Director, Infrastructure Services, and any recommendations noted, be implemented as part of the development of the plan of subdivision

### Sidewalks, Curbs, and Driveway Aprons

Understanding construction works will be required to connect the new public road to the existing Marina Drive to the west, care should be taken not to damage the existing curbing on Marina Drive during construction of the proposed road connection.

Sidewalks shall be proposed along the future public roads and at the standard location of 1.0m off street property line. Further connections of the proposed sidewalks to existing links shall be identified to the existing Marina Drive, along the south boulevard of the proposed Marina Drive, along the internal block frontages of Street 'B', and the south frontage of Street 'B', then extended to connect to Pettit Road, with tactile warning surfaces provisioned accordingly.



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Curbs and sidewalks do not exist along the subject land frontage of Pettit Road, given that both Pettit Road is currently in a semi-urban cross-section state. In most cases, it is preferred to have sidewalks constructed, when required on existing public roads, rather than provisioned for future construction through a Town sidewalk contract or future road reconstruction project. Considering that Pettit Road's existing condition is that of a semi-urban cross-section standard, with road side ditches, as well as existing hydro infrastructure and watermain along and within the future widened portion, the standard preferred location of a 1.50m wide sidewalk being designed and constructed may not be achievable and/or feasible at this time. Also lands to the immediate south (1199 Pettit Road) are not in ownership of the subject land Owner, and therefore the future sidewalk cannot be designed and physically constructed in the standard preferred location, until a future widened portion along this property can be acquired. There could be a risk that at the time Pettit Road's reconstruction to a full urban standard can be accommodated by the Town, the sidewalks, if constructed with this development in a differing location due to the above, the Town will likely be required to remove and replace the sidewalk to the standard preferred location, incurring unnecessary throw-away costs. It is therefore recommended that the Owner provision for the identification of a future sidewalk along the Pettit Road frontage, and pay to the town the cash-in-lieu amount for future sidewalks south to Nathaniel Drive, for design and construction by the Town through a future Capital project. The costs shall be based on the current average tender document pricing at the time of payment (\$200.00/m<sup>2</sup> – 2024).

All proposed driveway aprons shall also be installed at a minimum with paved hard surface asphalt from the street property lines to the edge of road asphalt. New purchasers shall be advised that sidewalks will be accommodated along their applicable frontages, accordingly.

### ***Conditions for Sidewalks, Curbs, and Driveway Aprons:***

1. A 1.50m wide sidewalk shall be constructed on the south side of the public road extension of Marina Drive, along the internal Block frontages of Street 'B', and the south side of Street 'B' approaching Pettit Road; and
2. A 1.50m wide sidewalk shall be provisioned along the west side of the subject land frontage of Pettit Road, as well as further south along Pettit Road to the Nathaniel Drive intersection, however as a cash-in-lieu payment, the costs of which to be based on the current average tender document pricing at the time of payment, to the satisfaction of the Director, Infrastructure Services; and
3. The subdivision agreement includes a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from edge of road asphalt to the property lines."*

### **Geotechnical/Hydro-geotechnical Report**

A soils investigation report shall be required, prepared, and certified by a qualified Geotechnical Engineer/Consultant, containing comments and analysis for existing soils related to the proposed roads, services, and pavement design. A soils investigation report comments on typical soil characteristics to accommodate proposed developments. The report would be expected to provide recommendations and any

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other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to the proposed services. A chemical component should also always be considered.

### **Conditions for Geotechnical/Hydro-geotechnical Report:**

1. The Owner shall submit to the Town for review and approval a Geotechnical report with a hydrogeological component, chemical analysis and pavement design included, prepared by a qualified geotechnical engineering consultant, to the satisfaction of the Director, Infrastructure Services

## **Linear Engineering Services**

### **Watermains**

### **Pettit Road**

### **Marina Drive**

150mm C.I.

150mm P.V.C.

The Owner shall have a suitably sized water distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, within the future public road(s), and be looped and connected to the Town's existing water distribution system from Marina Drive east to Pettit Road. The Owner shall also make themselves familiar with the requirements of the Town's current Water Testing & Disinfection Criteria and ensure these requirements are met, prior to the Town authorizing connections to the existing water system, as per the current Consolidated Linear Infrastructure license program.

As noted, a local watermain exists on these subject lands along the frontage, within an easement, approximately similar in width as the required right-of-way widening of 5.18m (17').

It must be noted that the Pettit Road watermain has been previously identified for replacement and upsizing in the Town's 2018-2023 Development Charge Background Study, noted as DC Project #SH1b, from Garrison Road to Nathaniel Drive projected to 2031-2034. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. As a result, recent discussions between the Town's Planning and Engineering staff has determined it is not financially practical for the Pettit Road watermain south to Garrison Road, be designed and reconstructed with the costs front-ended by the Owner, until the Town can adequately allocate the appropriate amounts for proper design and reconstruction within the above noted budgeted years (2029-2030).

### **Conditions for Watermains:**

1. The Owner shall have the water distribution system and appurtenances designed by a Professional Civil Engineer in accordance with the Town's standards, as amended, and constructed to the satisfaction of the Director, Infrastructure Services; and
2. The Owner's Consulting Engineer submit a **Form 1 – Record of Watermains Authorized as**

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- a **Future Alteration** form to the satisfaction of the Director, Infrastructure Services; and
3. The Owner adheres to the Town's current Drinking Water Quality Management System Requirements and Criteria

### Sanitary Sewers

### Pettit Road

### Marina Drive

200mm AC

200mm PVC

The Owner shall have an adequately sized sanitary sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, a minimum size of 200mm within the future public road(s).

The Owner has submitted with this Draft Plan application, a Functional Servicing Report prepared and certified by Upper Canada Consultants dated February 2023. The High Pointe subdivision (Marina Drive) sanitary sewer system was not designed to accommodate sanitary flows from this proposed development. It is therefore proposed to service this development to the existing Pettit Road sanitary sewer with a 200mm diameter sanitary sewer extended into the site. Sanitary flows from the Pettit Road sanitary sewer are currently conveyed south to Garrison Road, and then directed east to the Alliston Avenue Pumping Station, before ultimately discharging to the Anger Avenue Wastewater Treatment Plant.

Although the report comments on the minimal input of proposed flows against the overall design capacity of the receiving sewer, it has also since been forwarded for additional peer review by the Town's sanitary sewer consultant, for input into the Town's model for the overall system. It was noted that in order for this development to proceed and convey proposed sewage flows to the existing network without any negative downstream affects to the Town's local system, the Owner shall provision for additional requirements to the satisfaction of the Region to the Alliston Sewage Pumping Station, and improvements be implemented accordingly.

**The Owner is therefore advised that Development Engineering recommends a HOLDING provision be applied to the lands as a condition of the Zoning By-law Amendment application, until such time as the Town has received confirmation that additional provisions required to the Alliston Sewage Pumping Station have been proposed and accepted to the satisfaction of the Niagara Region, to allow for additional growth in this sewershed area.**

The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

### **Conditions for Sanitary Sewers:**

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1. The Owner submits to the Town for review and approval a Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, to the satisfaction of the Director, Infrastructure Services; and
2. The Owner shall have the sanitary sewer system and appurtenances and any required improvements to the existing system, designed by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and be constructed at the cost of the Owner, to the satisfaction of the Director, Infrastructure Services; and
3. The Owner's Consulting Engineer adhere to and submit the required sanitary sewer documents applicable to the Town's Consolidated Linear Infrastructure program

### Storm Sewers

### Pettit Road

### Marina Drive

None (Road side ditch)      300mm P.V.C.

The Owner shall have an adequately sized storm sewer distribution system designed by a qualified Professional Engineer in accordance with the Town's current standards, to outlet expected peak storm flows to a secured and suitable outlet, using the 5-year storm design. The Owner has submitted with this Draft Plan application, a Stormwater Management Component of the Functional Servicing Report prepared and certified by Upper Canada Consultants dated February 2023, and notes the Town's standards are one and the same as the Region's for quantity control, to the 100-year storm event. The Consulting Engineer has proposed a Stormwater Management Facility applicable to the Block fronting Pettit Road, for ultimate discharge to the Pettit Road storm sewer, also proposed to be constructed from Garrison Road north, to accommodate this development.

It must be noted that Pettit Road has been previously identified for upgrade to Two-lane Urban Standard with storm sewers in the Town's 2018-2023 Development Charge Background Study, noted as DC Project #SH1b, from Garrison Road to Bertie Street projected to 2029-2030. It is understood that costs reflective of the Development Charge Study of then, have since largely increased. Since the development requires an outlet be designed and installed to accommodate flows from the site regardless, south along Pettit Road to the Town's existing 750mm storm sewer on Garrison Road, the Owner shall be required to additionally design the sewer to be sized to also accommodate Pettit Road to the future urban cross-section condition, and the sewer be constructed and the costs front-ended by the Owner as a condition of this development application, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST. The Town shall make reasonable efforts to pay the share of applicable as-constructed storm sewer costs, to be further determined through the Plan of Subdivision process and agreement.

The Owner shall also make themselves familiar with the requirements of the Town's current Storm Sewer and Facility Consolidated Linear Infrastructure licenses, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

### **Conditions for Storm Sewers:**

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1. A Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, to the satisfaction of the Director, Infrastructure Services; and
2. The storm system be designed to accommodate residential foundation weeping tile drainage via sump pump discharge the front yards only, not the side yards; and
3. The Owner have their Consulting Engineer provision for the design and construction of Pettit Road's storm sewer with future urban cross-section design needs, and the Owner be responsible to front-end the design and construction costs associated, inclusive of Engineering, Contract Administration, Inspection, Contingency, and HST. The Town shall make reasonable efforts to pay the Town's share of applicable as-constructed costs, to be further determined through the Plan of Subdivision process and agreement; and
4. The Owner's Consulting Engineer adhere to and submit the required storm sewer and facility documents applicable to the Town's Consolidated Linear Infrastructure program; and
5. That the subdivision agreement includes a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface via splash pads to the front / rear yards."*

### Erosion & Sediment Control

As a condition of approval, the Owner's Consulting Engineer must submit an outline of a proposed erosion and sediment control plan. This may contain any or all the following measures and must be approved by the Town, to the satisfaction of the Director, Infrastructure Services:

- Sediment traps or temporary retention ponds
- Seeding of topsoil stockpiles
- Isolated stripping of development lands
- Vegetation screens
- Silt and erosion control fencing methods
- Entrance mud mats, and outlet erosion controls, rip rap, filter cloth, etc.
- Construction Staging areas

The Owner shall also make themselves familiar with the requirements of the Town's current Erosion and Sediment Control Plan Consolidated Linear Infrastructure requirements, and ensure these requirements are met, prior to the Town authorizing construction / grading works applicable.

#### **Conditions for Erosion & Sediment Control:**

1. An Erosion & Sediment Control Plan be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services; and
2. The Owner's Consulting Engineer adhere to and submit the required Erosion and Sediment Control Plan documents applicable to the Town's Consolidated Linear Infrastructure program;

### Construction Impact Mitigation Strategy

The Town is committed to ensuring that disruptions to the existing residents and community are minimized, resulting from traffic associated with construction activity. Mitigating the disruptive impacts of construction-related traffic on streets is an

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important part of the development and construction process. The intent is to provide safe passage for pedestrians, cyclists, and vehicular traffic around or through a construction site, with as little inconvenience, impact, and delay as possible, and with minimal on-street parking removals required. A strategy that outlines how the proponent intends to address construction traffic, shall be required.

### ***Conditions for Construction Impact Mitigation:***

1. A Construction Impact Mitigation Strategy outlining how the proponent intends to address the construction impact mitigation principles as they relate to the site development and surrounding external areas required for municipal improvements, be submitted for review and approval, to the satisfaction of the Director, Infrastructure Services

## **Lot Grading & Stormwater Management**

The Owner shall have an adequately designed Master Grading Control Plan prepared by a qualified Professional Engineer, to the satisfaction of the Director, Infrastructure Services and in accordance with the Town's current standards. The grading control concept for this development shall identify existing grades surrounding the proposed site, and proposed grades on and within the proposed development, identifying overland flow routes, proposed building envelope grades and proposed basement floor elevations for review and acceptance.

Weeping tile discharges via sump pump shall be accommodated towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this and also ensure that rainwater leaders (downspouts) are directed/discharged to the front and rear of the lots only. The location and direction of the roof water discharge pipes and sump pumps must be identified on the Master Lot Grading and Drainage plan.

### ***Conditions for Lot Grading & Stormwater Management:***

1. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer in accordance with the Town Standards, as amended, to the satisfaction of the Director, Infrastructure Services; and
2. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to implement the approved Master Lot Grading Plan to the satisfaction of the Director, Infrastructure Services.

## **Pre-Construction Condition Survey**

The Owner shall obtain Pre-Construction Condition surveys of all existing abutting properties and structures surrounding all areas of proposed infrastructure installations. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on and within the subject lands and lands external to the site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a

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precautionary measure and will assist building owners, contractors, and developers in the event of any claims for damages.

### ***Conditions for Pre-Construction Condition Surveys:***

1. The subdivision agreement between the Owner and the Town of Fort Erie contain provisions whereby the Owner agrees to perform and submit to the Town a Pre-Construction Condition survey for all existing abutting properties and structures surrounding all areas of proposed infrastructure installations, to the satisfaction of the Director, Infrastructure Services, prior to the commencement of any construction works

## **Engineering Fees and Securities for Performance Obligations**

The Owner shall be required to submit to the Town, Engineering, Inspection, Service Connections, and Water testing fees, and construction / development securities for performance obligations involved with ensuring the design and construction of services to develop the above subject lands and required off-site works are completed and function in accordance with Town's standards for assumption, to the satisfaction of the Director, Infrastructure Services.

### ***Conditions for Engineering Fees and Securities for Performance Obligations:***

1. The Owner submits to the Town the required fees for Engineering, Inspection, Service Connections, and Water testing fees, and construction securities for performance obligations through the means of entering into a pre-servicing and/or subdivision agreement, to the satisfaction of the Director, Infrastructure Services

## **PSAB, Records & Asset Management**

The Public Sector Accounting Board's (PSAB) 3150 Regulations set the standard for Municipalities to record and report their existing and future tangible capital assets through a comprehensive management approach. Digital data shall be provided by the Owner in accordance with the Town of Fort Erie's Standard Contract documents and AutoCAD standards, for compliance to the above PSAB requirements.

### ***Conditions for PSAB, Records & Asset Management:***

1. The Owner submits to the Town the digital data for connections, in accordance with the Town of Fort Erie's Standards, and the actual costs of construction of all assets to be assumed by the Town through the subdivision agreement, to the satisfaction of the Director, Infrastructure Services

## **Engineering, Construction, and Geotechnical Compaction Inspections**

The Owner's Engineering Consultant shall be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services on and off-site to develop the lands, to the satisfaction of the Director, Infrastructure Services. Engineering Inspection shall also include provisions for Geotechnical Compaction testing for municipal servicing installations, when applicable, in accordance with the Town's standards. Weekly reports from both the Engineering

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Consultant and the Geotechnical Engineering Consultant, shall be forwarded to the Town of Fort Erie as part of the requirements for acceptance of the services proposed.

### ***Conditions for Engineering, Construction, and Geotechnical Compaction Inspections:***

1. The Owner's Engineering Consultant be responsible to provide engineering inspection in order to provide adequate certification of the works required to install Municipal services off-site to develop the lands, to the satisfaction of the Director, Infrastructure Services; and
2. The Owner's Geotechnical Engineering Consultant be responsible for providing adequate compaction testing and certification of the works required to install Municipal services off-site to develop the lands, to the satisfaction of the Director, Infrastructure Services; and
3. The Owner's Engineering Consultant submit to the Town all relevant and required Construction and Geotechnical Testing and Inspection Records and Reports, to the satisfaction the Director of Infrastructure

### **Utilities**

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner's property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or the off-site works.

Development Engineering have no further comments or conditions to impose regarding the Draft Plan of Subdivision application, subject to the above conditions. The Owner is advised however that as a condition of the **Zoning By-law Amendment** application, **a HOLDING provision be applied to the lands until such time as the Town has received confirmation that additional provisions required to the Alliston Sewage Pumping Station have been proposed and accepted to the satisfaction of the Niagara Region, to allow for additional growth in this sewershed area.**

Trusting this information is satisfactory.

Regards



Brad Johnston, C.E.T.  
Supervisor – Development Engineering

Attachments: Draft Plan of Subdivision (submitted)  
Traffic Impact Study – IS Comments

c. File No. 350309-0576 & 350308-0133  
Jordan Frost, Manager of Engineering, IS (email only)  
Mark Iamarino, Manager of Development Approvals, PDS (email only)  
Gerrit Boerema, Manager of Community Planning, PDS (email only)  
Anamika Dilwaria, Director of Planning and Development Services (email only)



# Interoffice Memorandum

## Infrastructure Services

December 20, 2023  
File No. 350308-0133

To: Samantha Yeung, Intermediate Development Planner,  
Brad Johnston, Supervisor- Development Engineering

From: Yashesh Gandhi, Transportation Engineer in Training

Subject: **HIGH POINTE EAST (MARINA HOMES) DRAFT PLAN**  
**COMMENTS ON REVISED TRAFFIC IMPACT STUDY RECEIVED ON DECEMBER 14,2023**

We provide the following comments to be addressed by the developer's Traffic Engineer.

The revised Traffic Impact Study (TIS), dated December 7<sup>th</sup>, 2023, addresses comments 3, 4, 6, 7, and 8 from our memo dated November 6<sup>th</sup>, 2023, regarding the original TIS dated March 16<sup>th</sup>, 2023. However, other comments number 1,2,6,10 from November 6<sup>th</sup> have not been fully addressed by the consultant in the revised TIS and require further effort and information, as outlined in Table 1 below.

**Table 1 Comments on the revised TIS from JD Northcote Engineering Inc.**

<u>No.</u>	<u>Review Item</u>	<u>Comments</u>
1	Sight Line <ul style="list-style-type: none"> <li>External Road</li> </ul>	The revised TIS still lacks Departure Sight Distance information.
2	Sight Line <ul style="list-style-type: none"> <li>Internal Road</li> </ul>	The departure sight distance is still missing. The road allowance outside the corner radius is 18 m as per the draft plan. The Consultant to confirm 25 m in TIS.
5	Traffic Operation (LOS) <ul style="list-style-type: none"> <li>External (Intersection and Roads)</li> </ul>	Please provide traffic operation and LOS for intersections such as Green Acres Drive at Marina Drive.
9	Traffic Calming <ul style="list-style-type: none"> <li>External</li> </ul>	The town currently does not have plans for the implementation of physical traffic calming measures on Pettit Road. Instead, dynamic speed signs will be deployed in 2024 as an educational tool as per the traffic calming policy by law 74-2023. Therefore, it is necessary to remove any statement (3 <sup>rd</sup> Paragraph on Page 21) from TIS indicating the implementation of traffic calming measures, as it is misleading.
10	Traffic Calming <ul style="list-style-type: none"> <li>Internal</li> </ul>	Clearly specify the location of the raised crosswalk within the internal development. No analysis was provided for the traffic calming for the westerly intersection of Marina Drive and Street "B".

Town's Infrastructure Services became aware in December of the proposed development of High Pointe North. In the scope of this TIS, it is crucial to note that the proposed development of High Pointe North has been overlooked. There is no Neighbourhood Traffic study for the area and it is crucial to include High Pointe North in the study scope for this TIS because:

- Access: the only connection from High Pointe North to Pettit Road is through Marina Drive.
- Number of units: 227 townhouses, as outlined in the concept plan.

Table 2 outlines specific areas to consider for the proposed High Pointe North development.

**Table 2 Comments on TIS based on the proposed High Pointe North development.**

<u>No.</u>	<u>Review Item</u>	<u>Comments</u>
11	Appendices	Including the concept plan development of High Pointe North in the appendices is recommended for a more comprehensive understanding of the study area.
12	Future development growth	The TIS should account for future growth and projected traffic volume from the concept High Pointe North subdivision.
13	Traffic Assignment	An update to the analysis of how traffic from the concept plan High Pointe North is assigned within the study area is needed.
14	Background and Total (2030) Intersection Operation	Update the analysis for intersection operation to incorporate the concept development of High Pointe North.
15	LOS (External)	Update analysis of the Level of Service (LOS) considering the concept plan of High Pointe North for a thorough assessment of the impact on external traffic operations.
16	LOS (Internal)	Update analysis of the Level of Service (LOS) considering the concept plan of High Pointe North for a thorough assessment of the impact on both internal traffic operations.
17	Traffic Signal Coordination	A review of Traffic Signal Timing shall be undertaken with consideration of updated traffic volume and Level-of-service.

Street naming on the draft plan is confusing so we suggest that the street connecting to Pettit Road to be named Street "C".

Based on our experience, we anticipate complaints from Marina Drive residents and requests for Traffic calming. Consultant to provide further discussion on why "Additional Traffic calming is not required". As noted below in the Town of Fort Erie's Traffic Calming Policy By law number 74-2023.

#### *"4.3.1 New Development*

*The Town may require the implementation of traffic calming measures on new streets in new developments through the development approval process, potentially as a condition of approval for the Plan of Subdivision and Site Plan Control applications. Given new development can change travel demand, proponents may be requested to investigate the potential need for changes to the street network (including consideration of traffic calming measures) as part of the Transportation Impact Assessment completed in support of the proposed development. Specific requirements may include identifying traffic calming opportunities on existing roads (i.e., to mitigate anticipated negative impacts of introducing the new development) and identifying, planning, and constructing traffic calming measures on new roads (e.g., road network internal to new subdivisions or future planned roads)."*

We trust this information is of assistance.

*YKG*  
Yashesh Gandhi,  
Transportation Engineer in Training

YKG  
Attachment  
ecc.

Robert D. Judd, P.Eng., Municipal Engineer – Infrastructure Renewal,  
Jordan Frost, P.Eng., Manager, Engineering Division



## Interoffice Memorandum

January 5, 2023

File No. 350302-173 (OPA-08/23),  
350309-0576 (ZBA-14/23)  
350308-01333 (SUB-03/23)

To: Samantha Yeung, Junior Development Planner

From: Rachel Daniels, Senior Environmental Planner

**Subject: Environmental Review – Environmental Impact Study Addendum – Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPOS) for 1211 – 1237 Pettit Road**

On October 3<sup>rd</sup> 2023, Town Environmental Staff requested the submission of an Environmental Impact Study (EIS) Addendum for an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (DPOS) proposal on the properties known as 1211 – 1237 Pettit Road. Comments previously made by Town Staff asked the applicant to provide further justification surrounding the recommendation to not include a north/south wildlife corridor along the westernmost extent of the subject properties. It is the opinion of Town Environmental Staff that the inclusion of wildlife corridors within the urban areas of the Town are generally considered best practice and serve to ensure that urban woodlands are not further fragmented and isolated within built up areas. It should be noted that the Town's Official Plan does not provide detailed policies surrounding linkages and corridors outside of those identified on Schedule C of the Town's Official Plan.

Town Staff recognize that there is a mapped natural heritage feature to the south of Nathaniel Drive and a Provincially Significant Wetland north of the proposed development that both provide habitat for various forms of wildlife. Staff feel that a corridor has the potential to provide wildlife movement between these features, albeit fragmented by road networks. However, based upon review of the EIS Addendum prepared by Myler Ecological Consulting dated December 03, 2023, the Town understands that it is the professional opinion of the consultant that a corridor is not required within the subject property. Staff continue to feel that the isolation of urban woodlands is not ecological best practice and that linkages between features will always serve to enhance the natural heritage system. That said, Staff have taken into consideration that the Town's Environmental Planner was not previously provided an opportunity to comment on a Terms of Reference developed for the EIS and that the Town's Official Plan policies regarding corridors are non-descript outside of those areas mapped on Schedule C, and therefore accept that it is the professional opinion of Myler Ecological Consulting that no corridor is required as it pertains to the Town's policies.

Based on the review of the EIS and EIS Addendum, Staff recommend the following Conditions of Approval:

1. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the following mitigation measures as described in the Environmental Impact

### **By-law 15-2024 - Appendix 3**

Study (EIS) prepared by Myler Ecological Consulting (dated June 2023), included but not limited to:

- That vegetation removals be undertaken between September 1 and March 14, outside of the breeding bird nesting period. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
  - low-maintenance, native species mixed meadow to be planted around the site's wet pond
  - recommended planting of native boulevard and amenity trees
2. That appropriate tree protection measures are included on the final Grading Plan for review and approval by the Town. Tree protection fencing shall be installed along the Tree Protection Zone (TPZ) of all trees that are to be retained within one (1) tree length of the property boundary. Location of existing trees is to be surveyed and identified on a survey plan prepared by an O.L.S.
  3. That, where a Boundary Tree is proposed for removal, a Letter of Confirmation signed by the adjacent property owner and the Owner has been submitted to the Town for review and approval. "Boundary Tree" means a tree having any part of its trunk located on the property line between adjoining lands, and for the purpose of this definition a 'trunk' means that part of the Tree from its point of growth away from its roots up to where it branches out to limbs and foliage.

Please feel free to contact Rachel Daniels, Senior Environmental Planner at 1-905-871-1600 ext. 2510 should you have any questions.