

**NOTICE OF DECISION
DRAFT PLAN OF SUBDIVISION
32035 Bell Road (File No. P01/2023W – Bell Meadows Subdivision)**

TAKE NOTICE THAT the Council of the Corporation of the Township of Wainfleet, at its meeting on February 20, 2024, approved an application for Draft Plan of Subdivision for the lands legally described as Part Road Allowance between Lots 19 & 20, Concession 3 and Part of Lots 19 & 20, Concession 3, Township of Wainfleet, with consideration of all oral and written submissions made to Council before its decision and subject to the conditions listed in Schedule A. The Draft Plan of Subdivision comprises an area of 4.82 hectares and proposes ten (10) lots for single detached dwellings, one (1) block for a road allowance, one (1) block for water supply for firefighting purposes and two (2) blocks for stormwater management.

The approval lapses on February 20, 2027. The approval may be extended pursuant to subsection 51(33) of the *Planning Act, R.S.O. 1990, c. P.13*, but no extension can be granted once the approval has lapsed.

The subject lands are also the subject of an application for a Zoning By-law Amendment, File No. Z06/2023W.

APPEAL INFORMATION

The last date for filing an appeal in relation to this decision is March 19, 2024. A notice of appeal must be filed with the Deputy Clerk of the Township of Wainfleet and must set out the reasons for the appeal as well as include the fee required by the Ontario Land Tribunal (OLT). A certified cheque or money order made payable to the Minister of Finance must accompany the notice of appeal. A copy of an appeal form is available on the OLT's website at <https://olt.gov.on.ca>.

Any of the following may, at any time before the approval of the final plan of subdivision, appeal the conditions of approval imposed by the Township to the Ontario Land Tribunal by filing a notice of appeal with the Township:

- the applicant;
- any public body that, before the Council made its decision, made oral submissions at a public meeting or written submissions to the Township;
- the Minister; and
- the Township.

You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

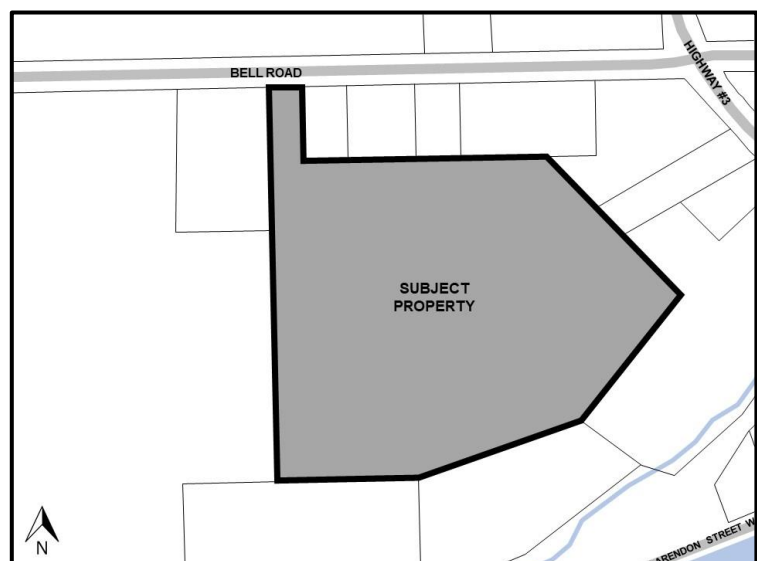
Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of Council, including the lapsing provisions or the conditions, unless the person or public body, before the decision of Council, made oral submissions at a public meeting or written submissions to the Council, or made a written request to be notified of changes to conditions or, in the OLT's opinion, there are reasonable grounds to add the person or public body as a party.

Dated at the Township of Wainfleet
this 28th day of February, 2024.

Amber Chrastina, Deputy Clerk
Township of Wainfleet
31940 Highway #3, P.O. Box 40
Wainfleet, ON L0S 1V0
905-899-3463 ext. 224
achrastina@wainfleet.ca

File No. P01/2023W
(1000063419 Ontario Inc.)



**SCHEDULE “A” – Draft Plan of Subdivision
File No. P01/2023W (Bell Meadows Subdivision)**

Draft Plan of Subdivision File No. P01/2023W, in the Township of Wainfleet, is approved subject to the following conditions:

DRAFT PLAN

1. That this draft approval applies to the Bell Meadows Draft Plan of Subdivision, Part of Road Allowance Between Lots 19 & 20, Concession 3 and Part of Lots 19 & 20, Concession 3, Township of Wainfleet prepared by A.J. Clarke & Associates Ltd. dated October 26, 2023.
2. That the headings inserted in these conditions of draft approval are inserted for convenience only and shall not be used as a mean of interpreting these draft plan conditions.
3. That this draft approval is for a period of three (3) years. Draft approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the draft approval has lapsed. If the Owner wishes to request an extension to the draft approval, a written request with an explanation of why the extension is required must be submitted for the Township Council’s consideration, prior to the lapsing date.
4. That if final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
5. That prior to final approval the Owner shall provide three (3) paper copies and an electronic copy of the pre-registered plan, prepared by an Ontario Land Surveyor, and a letter to the Township of Wainfleet stating how all the conditions imposed have been or are to be fulfilled.
6. That it is the Owner’s responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Township, quoting file number P01/2023W and referencing the conditions that are cleared.

AGREEMENTS & FINANCIAL REQUIREMENTS

7. That prior to final approval, the Owner shall enter into a suitable subdivision agreement with the Township of Wainfleet. The subdivision agreement shall contain all matters set out as conditions of approval as deemed necessary in this decision and any other matters as deemed appropriate by the Township to satisfy all requirements, financial or otherwise including but not limited to the provision of roads and the installation of drainage. The subdivision agreement shall be registered against the lands to which it applies prior to the registration of the plan of subdivision and shall be completed at the Owner’s expense. The subdivision agreement may contain provisions for the phasing of the subdivision.

LAND TRANSFERS & EASEMENTS

8. That prior to final approval, the Owner agrees to deed any and all easements that may be required for access, utility and drainage purpose be granted to the appropriate authorities and utilities.

TOWNSHIP OF WAINFLEET – PLANNING

9. That prior to final approval, the zoning by-law amendment application (File No. Z06/2023W) has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
10. That the Owner shall submit to the Township of Wainfleet three (3) paper copies and an electronic copy of the draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
11. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with Section 51 of the *Planning Act R.S.O. 1990, c. P.13*.
12. That the subdivision agreement between the Owner and the Township of Wainfleet include the following agricultural warning clause:

“The lands in the plan of subdivision may be exposed to noise, odour, dust, light, vibration, smoke and flies from nearby agricultural operations that may interfere with some activities of the Owners/Tenants who occupy these lands.”

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13. That prior to final approval, the Owner shall submit a detailed stormwater management plan and the following plan designed and sealed by a qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Manager of Operations for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility;
 - d. Detailed costs to construct the stormwater management facility with benefitting area costs breakdown.
14. That the subdivision agreement between the Owner and the Township contain provisions whereby the Owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
15. That prior to final approval, the Owner shall provide an assessment from a qualified professional, indicating that the proposed development will have no negative impact to ground water for adjacent drinking wells and ponds.
16. That the proposed road(s) be named in accordance with the road naming policies of the Township Municipal Addressing Policy and to the satisfaction of the Planner and Manager of Operations.

TOWNSHIP OF WAINFLEET – BUILDING

17. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring demolition permits for the existing structures that are to be removed from the subject property.
18. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring that at the time of building permit submission for each individual lot, that clearances for the required cisterns and septic systems be identified on a detailed site plan. Clearances to adjacent cisterns, wells and septic systems shall also be identified on the site plan.
19. That prior to final approval, the Owner shall provide an assessment from a qualified professional indicating that the filling of the existing pond with non-native soil can support the proposed road works, driveways and structures.
20. That prior to final approval, the Owner shall provide documentation indicating that the existing dug/bored well on the subject property has been decommissioned in accordance with Ministry of Environment, Conservation and Parks regulations.

TOWNSHIP OF WAINFLEET – DRAINAGE

21. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring the completion of Section 65 Apportionment Agreements under the Drainage Act for the Consolidated South Wainfleet Drain. The Section 65 Apportionment Agreements shall be completed by an engineer selected by the Township and costs for such work shall be the responsibility of the Owner.
22. That a legal stormwater drainage outlet be obtained via a new municipal drain (under Section 4 of the Drainage Act), by entering into a mutual agreement drain with the adjacent landowners (under Section 2 of the Drainage Act) or any other mechanism to the satisfaction of the Township of Wainfleet.

TOWNSHIP OF WAINFLEET – OPERATIONS

23. That the Owner provide detailed engineering drawings and photometric plan for street lighting facilities required to service the subject lands.
24. That the Owner provide a streetscape plan showing the location of any on-street parking, street trees, community mailbox locations, regulatory signage (including but not limited to

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street name signs, stop signs, parking signs and speed limit signs), subdivision entrance feature and streetlighting required for the subject lands.

25. That the Owner provide detailed engineering drawings for the proposed road(s) and stormwater required to service the subject lands, to the satisfaction of the Manager of Operations.
26. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions for the staging of construction equipment, construction access, signage and dust control.
27. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions stating that prior to any construction activities taking place within the Township road allowance (Bell Road), the Owner shall obtain the appropriate permits from the Operations Department.
28. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring the submission of a haulage route and the completion of a pre-condition survey of all Township roads, in high resolution, prior to the commencement of site alteration and to the satisfaction of the Manager of Operations.

TOWNSHIP OF WAINFLEET – FIRE & EMERGENCY SERVICES

29. That prior to final approval, the Owner shall provide detailed drawings regarding the provision of water for firefighting purposes, completed by a qualified engineer, to the satisfaction of the Fire Chief and Chief Building Official.
30. That prior to final approval, the Owner provide an updated draft plan of subdivision that shows the road width, cul-de-sac radius to demonstrate the provision of appropriate emergency access to the subject lands and provide the length from the location of the proposed water supply for firefighting purposes to the centre of the cul-de-sac to demonstrate the provisions of water supply to all lots to the satisfaction of the Fire Chief.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES DEPARTMENT

31. That the subdivision agreement between the Owner and the Township of Wainfleet contain the following archaeological resource warning clause:

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

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (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.”

32. That the applicant 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.
33. That the existing dug/bored well on the subject property is decommissioned to the satisfaction of Niagara Region.
34. That the subdivision agreement between the Owner and the Township contain a provision requiring that private water supply for Lots 1 through 10 (inclusive) shall be by cistern.

BELL CANADA

35. That 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.

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36. That 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.

CANADA POST

37. That the Owner shall complete to the satisfaction of the Manager of Operations of the Township of Wainfleet and Canada Post:

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

UTILITIES

38. That the Owner shall submit a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities, to the satisfaction of all affected agencies. The Owner shall enter into any agreements required by affected agencies.

39. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the Owner agrees to install and construct hydro-electric, telephone, gas, television cable services and any other form of telecommunication services as underground facilities, as approved on the composite utility plan, to the satisfaction of the Township and all affected agencies.

Clearance of Conditions

It is the Owner’s sole responsibility to monitor the clearing of conditions and the draft plan approval lapsing date. Prior to granting final approval for the subdivision plan, the Planning Department will require written notification from the following agencies that their respective conditions have been met satisfactorily. While individual Township departments may review items from time to time, formal clearance will not be provided until a formal final approval package has been submitted along with the prescribed fee.

Department or Agency	Conditions
Township Planning Department	1 – 16
Township Building Department	17 – 20
Township Drainage Department	21 – 22
Township Operations Department	13, 16, 23 – 28
Township Fire & Emergency Services	29 – 30
Niagara Region Planning & Development Services	31 – 34
Bell Canada	35 – 36
Canada Post	37

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Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Phone	Email
Township Planning Department	Sarah Ivins Planner	905-899-3463 ext. 225	planning@wainfleet.ca
Township Building Department	Ben Hopkins Chief Building Official	905-899-3463 ext. 272	bhopkins@wainfleet.ca
Township Drainage Department	Mark Jemison Drainage Superintendent	905-899-3463 ext. 228	mjemison@wainfleet.ca
Township Operations Department	Richard Nan Manager of Operations	905-899-3463 ext. 234	rnan@wainfleet.ca
Township Fire and Emergency Services	Morgan Alcock Fire Chief	905-899-3463 ext. 274	firechief@wainfleet.ca
Niagara Region Planning & Development Services	Valentina Escobar Development Planner	905-980-6000 ext. 3352	valentina.escobar@niagararegion.ca
Bell Canada	Juan Corvalan Senior Manager – Municipal Liaison	-	planninganddevelopment@bell.ca
Canada Post	Andrew Carrigan Delivery Services Officer	226-268-5914	andrew.carrigan@canadapost.ca