



ALECTRA UTILITIES COMMENTS

From: [Network Info](#)
To: [Robyn McIntyre](#)
Cc: [Nick Bogaert](#)
Subject: RE: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow) - 49 Hayes Rd
Date: November-03-22 10:55:03 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning Robyn,

This address is not within the Alectra Utilities service area.

Regards,



Samantha Burke
Engineering Clerk, ICI & Layouts

55 John Street North, Hamilton, ON, L8R 3M8

† 905.798.2971

alectrautilities.com



*At Alectra, the health and safety of our employees remains our highest priority and we have implemented vaccination policies for all our worksites and offices. Effective **November 12, 2021**, all visitors and contractors entering any Alectra worksite or facility must provide satisfactory proof of vaccination at Security when requested. Couriers and deliveries are excluded. Please review our [visitor vaccine policy](#).*

From: Robyn McIntyre <rmcintyre@mhbcplan.com>
Sent: Friday, October 28, 2022 9:40 AM
To: Robyn McIntyre <rmcintyre@mhbcplan.com>
Cc: Nick Bogaert <nbogaert@mhbcplan.com>
Subject: FW: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

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Good Afternoon,

[This is email 3 / 3]

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Attached to this email, please find the application and associated documents submitted for a Zoning Bylaw Amendment at 49 Hayes Road in the City of Thorold.

File number will follow in a subsequent email.

Kindly forward your comments to this email address (rmcintyre@mhbcplan.com) by the end of the day November 16, 2022.

Please feel free to reach out if you should have any questions.

Thank you,

ROBYN MCINTYRE, BES | Planner

I am currently working remotely and can best be reached at rmcintyre@mhbcplan.com

MHBC Planning, Urban Design & Landscape Architecture

540 Bingham Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 | F 519 576 0121
| rmcintyre@mhbcplan.com

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From: Robyn McIntyre

Sent: October-27-22 5:02 PM

To: Robyn McIntyre <rmcintyre@mhbcplan.com>

Cc: Nick Bogaert (nbogaert@mhbcplan.com) <nbogaert@mhbcplan.com>

Subject: FW: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

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BELL CANADA COMMENTS

From: circulations@wsp.com
To: [Robyn McIntyre](#)
Subject: ZBLA Application (TBD) and Draft Plan of Condominium Application (TBD), 49 Hayes Rd., Thorold
Date: November-07-22 9:15:51 AM

2022-11-07

Robyn McIntyre

Thorold

, ,

Attention: Robyn McIntyre

**Re: ZBLA Application (TBD) and Draft Plan of Condominium Application (TBD),
49 Hayes Rd., Thorold; Your File No. TBD**

To Whom this May Concern,

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

“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.

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

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

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.

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.

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 the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Juan Corvalan
Senior Manager - Municipal Liaison
Email: planninganddevelopment@bell.ca

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-LAEmHhHzdJzBITWfa4Hgs7pbKI



CANADA POST CORPORATION COMMENTS

November 9 2022

ROBYN MCINTYRE
MHBC PLANNING

Re: 49 Hayes Rd

Dear Robyn,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Thorold 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.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

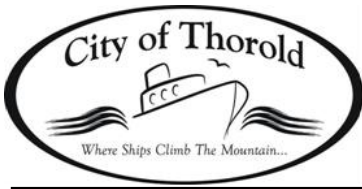
Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca



CITY OF THOROLD ENGINEERING COMMENTS



To: Gamal Basta
From: Ugo Obiako, Project Manager
Subject: 49 Hayes Road, Thorold, ON
Date: November 11, 2022

Engineering reviewed the submitted drawings and have provided the following comments:

- Please provide site servicing and grading plan during next submission.
- Please provide stormwater management brief and calculations showing pre to post development conditions.
- Updated Functional Servicing Report will be required during next submission.
- New hydrant will be required within the townhouse block, and any existing hydrant in close proximity to the subject land will need to be shown.
- Please provide adequate lightening within the site and also show proposed sidewalks with curb depressions in accordance with AODA Standard.
- Please provide fire flow hydrant analysis and calculations for all proposed and existing hydrants.
- Hayes Road requires urbanization, therefore Owner will need to enter into a cost sharing agreement with the City for the section of Hayes Road urbanization fronting the development.
- Please show road typical cross sections, roof leaders and outlets in the drawings during next submission.
- Please provide landscaping plan including berms, trees, cost estimates, etc. during next submission.
- The subject land is in close proximity with CN Rail Tracks, therefore warning clause will need to be inserted in the site plan agreement advising residents of potential noise to the townhouse blocks.
- Location of the proposed dry pond outlet is not clearly shown on the plan. Please include during next submission.
- The locations of proposed or existing fences, if any and within the development will need to be shown.
- Please include an Excel version of the sewer design sheets in the next submission.

Should you have any question, please feel free to contact the undersigned.

Ugo Obiako, M.Eng. P. Eng.
Project Manager, Engineering Division
Ugo.Obiako@thorold.ca
(905) 227-6613 Ext. 294

c.c. Abu Rashed, M. Eng., PMP, P. Eng.
Project Manager, Engineering Division
Abu.Rashed@thorold.ca
(905) 227-6613 Ext. 292



CITY OF THOROLD FIRE AND EMERGENCY SERVICES COMMENTS

From: [Vince Giovannini](#)
To: [Robyn McIntyre](#)
Subject: RE: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)
Date: November-28-22 11:51:59 AM
Attachments: [image001.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good morning Robyn, we do not have any comments and or concerns at this time with the proposed development.

Thank you.



Vince Giovannini

Captain of Fire Prevention
Fire and Emergency Services

City of Thorold

905-227-6613 x303

P.O. Box 1044, 3540 Schmon Parkway, Thorold, ON., L2V 4A7

www.thorold.ca

What's your life worth? Smoke and CO alarms cost no more than \$30.00, make sure you have one!

From: Robyn McIntyre <rmcintyre@mhbcplan.com>

Sent: Thursday, November 24, 2022 1:39 PM

To: Abu Rashed <Abu.Rashed@thorold.ca>; Ugo Obiako <Ugo.Obiako@thorold.ca>; Vince Giovannini <Vince.Giovannini@thorold.ca>; Jason Simpson <Jason.Simpson@thorold.ca>

Subject: FW: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

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Good Morning,

With respect to the below emails, we have noted that your comments remain outstanding. Kindly forward your comments at your earliest convenience. We are hoping to provide these comments to the applicant early next week.

Thank you,

ROBYN MCINTYRE, BES | Planner

I am currently working remotely and can best be reached at rmcintyre@mhbcplan.com

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From: Robyn McIntyre

Sent: October-28-22 9:51 AM

To: Robyn McIntyre <rmcintyre@mhbcplan.com>

Cc: Nick Bogaert (nbogaert@mhbcplan.com) <nbogaert@mhbcplan.com>

Subject: RE: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

Good Morning,

Please be advised, this application is also for a vacant land condominium. The required studies were provided in the original circulation of the application. The draft plan has been reattached to this email for ease of reference.

Please feel free to reach out if you should have any questions.

Thank you,

ROBYN MCINTYRE, BES | Planner

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From: Robyn McIntyre

Sent: October-27-22 5:02 PM

To: Robyn McIntyre <rmcintyre@mhbcplan.com>

Cc: Nick Bogaert (nbogaert@mhbcplan.com) <nbogaert@mhbcplan.com>

Subject: FW: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

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CN RAIL COMMENTS

From: [Proximity](#)
To: [Robyn McIntyre](#)
Cc: [Nick Bogaert](#)
Subject: 2022-10-28_CN_RES_Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)
Date: October-28-22 2:00:48 PM
Attachments: [image001.png](#)

Hello Robyn,

Thank you for consulting CN on the application mentioned in subject. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. Safety setback of principal buildings from the railway rights-of-way to be a minimum of 15 metres.
2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
3. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
4. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
5. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”
6. The storm water management facility must be designed to direct away all runoff waters away from CN right of way including ditches, culverts and tracks.
7. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
8. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
9. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

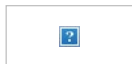
CN will complete a peer review of the storm water management report and the N&V study submitted for this application and will provide you with our comments.

Thank you and do not hesitate to contact me with any questions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain



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Montréal (Québec)
H3H 1P9 CANADA
wsp.com

From: Robyn McIntyre <rmcintyre@mhbcplan.com>
Sent: Thursday, October 27, 2022 5:02 PM
To: Robyn McIntyre <rmcintyre@mhbcplan.com>
Cc: Nick Bogaert <nbogaert@mhbcplan.com>
Subject: FW: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

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Good Afternoon,

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Nick Bogaert

From: Matt Kernahan <matt@ucc.com>
Sent: February-24-23 3:56 PM
To: Tara O'Toole
Cc: Meghan Birbeck; Busnello, Pat; Robyn McIntyre; Nick Bogaert
Subject: FW: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000
Attachments: 22-173 Feb 17-23 49 Hayes Road Peer Review.pdf

Hi Tara,

Please see attached and below regarding the 49 Hayes Road project. It appears that based on a peer review of our noise and vibration study, CN is now satisfied with the results and offers no objection to our development. I trust that their requests can be addressed as a condition of condominium or site plan approval.

Based on this, my understanding is that the only thing required to bring a recommendation report to Council on this file is the comments from the Region on the addendum to the sensitive land use study they requested. I was assured from Pat at the beginning of last week that we would get these comments as soon as possible. I trust we will receive them soon.

Looking forward to moving this file along. If there is anything else outstanding on this file please let me know. Also, if you could advise on a tentative date for the recommendation report being considered (pending receipt of the Region's comments of course), that would be appreciated.

Thanks,

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Gamal Basta <gbasta@rogers.com>
Sent: February 24, 2023 3:29 PM
To: Matt Kernahan <matt@ucc.com>
Subject: Fw: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

Hi Matt

As per our phone call see the attached .

Regards

Gamal Basta
gbasta@rogers.com

----- Forwarded Message -----

From: Proximity <proximity@cn.ca>

To: gbasta@rogers.com <gbasta@rogers.com>

Cc: rmcintyre@mhbcplan.com <rmcintyre@mhbcplan.com>

Sent: Friday, February 24, 2023 at 03:16:24 p.m. EST

Subject: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

Hello Mr. Basta,

As we discussed over the phone you will find in attached document CN peer review comments with regards to the noise and vibration report prepared by SLR, dated September 2022, for the application mentioned in subject. The report is generally made to CN satisfaction however, your noise consultant must submit a technical memorandum addressing the peer review comments. You may ignore the comment number 2 in the report regarding the safety berm requirement.

I would also like to inform you that I placed a request for CN counsel to proceed with drafting a CN development agreement. They will reach out to you within a few weeks. Once the CN development agreement is completed and signed to CN satisfaction, we will provide the municipality with CN clearance of conditions.

Best regards

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)

Planning, Landscape Architecture and Urban Design

Urbanisme, architecture de paysage et design urbain



E : proximity@cn.ca

T : 1-438-459-9190

1600, René-Lévesque Ouest, 11e étage

Montréal (Québec)

H3H 1P9 CANADA

wsp.com

From: Proximity
Sent: Friday, February 17, 2023 12:10 AM
To: Gamal BASTA <gbasta@rogers.com>
Cc: 'meghan.birbeck@thorold.ca' <meghan.birbeck@thorold.ca>
Subject: 2023-02-16_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

Hello Mr. Basta,

CN acoustic expert and CN engineers will provide me with their peer review comments regarding the noise study and the storm water management report by middle of next week. Meanwhile, the attached form must be completed for CN counsel to proceed with drafting a CN development agreement for your project and to prepare the environmental easement to be granted in favor of CN.

Thank you

Ashkan Matlabi, Urb. OUQ. MBA

Urbaniste sénior / Senior Planner (CN Proximity)

Planning, Landscape Architecture and Urban Design

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H3H 1P9 CANADA

wsp.com

February 17, 2023

CN
c/o WSP
1600 Boulevard Rene-Levesque West
11th Floor
Montreal, Quebec
H3H 1P9

Attention: Mr. Ashkan Matlabi/Ms. Saadia Jamil

VIA E-MAIL
proximity@cn.ca



Re: Land Use Compatibility Study
Air Quality, Dust, Odour, Noise & Vibration
Peer Review
Proposed Residential Development
49 Hayes Road
City of Thorold
Our File: 22-173

As requested, Jade Acoustics Inc. has reviewed the *Land Use Compatibility Study Air Quality, Dust, Odour, Noise & Vibration* dated September 6, 2022, prepared by SLR Consulting (Canada) Ltd. on behalf of Golden Coast Homes.

The site is located at 49 Hayes Road in the City of Thorold. The CN Stamford Subdivision (principal branch line) is located to the west of the site. A CN storage yard is located approximately 600 m to the south of the proposed development.

We have reviewed the report with respect to noise/vibration issues related to rail traffic and CN. Other sources of noise/vibration have not been evaluated as part of this peer review. The CN and the Ministry of the Environment, Conservation and Parks (MOE) guidelines have been used in this review. No original analyses have been conducted.

The report (noise and vibration aspects) has generally been prepared in accordance with the MOE, CN guidelines and RAC/FCM Guidelines.

Our comments are provided below:



Noise

1. CN has confirmed that there is rail storage yard located approximately 600 m south of the proposed development. The facility was not identified in the noise report. This rail facility is a storage yard with limited switching activities.
2. The report does not identify a safety berm along the common property line with CN. CN should indicate if a safety berm is required.
3. The report indicates that the exterior wall construction will be brick veneer or masonry equivalent for the first row of houses in Blocks 1, 2, 3 and 8. We also recommend that the exterior walls of Block 9 be constructed of brick veneer or masonry equivalent due its exposure and distance to the CN rail tracks.
4. Due to the presence of CN's rail storage facility, we recommend that all dwellings be provided with central air conditioning.
5. As the CN rail storage facility is within 1,000 m of the proposed development, the CN warning clause should be altered to say "1,000 m" instead of "300 m".

Vibration

1. The vibration assessment was conducted using predictions, as based on the report, trains are not currently operating on the CN subdivision. This approach is acceptable.
2. The results are acceptable and the proposed mitigation should be implemented. We agree with the recommendation that on-site vibration measurements be conducted in the future to validate the predictions. If it is not possible to conduct on-site vibration measurements, the mitigation measures outlined in the report should be implemented into the buildings.
3. Based on the orientation of Block 9, we recommend that the north and west walls of Unit 36 and the north walls of Units 37 and 38 be provided with vibration mitigation.

Conclusions/Recommendations

The report (noise and vibration issues) has been prepared in accordance with the MOE/CN/RAC/FCM guidelines and is therefore, generally acceptable.

For ease of reference and for inclusion in the CN Agreement, the comments noted above should be addressed in an updated noise and vibration report.

Yours truly,

JADE ACOUSTICS INC.



Per:


Dalila C. Giusti, P.Eng.



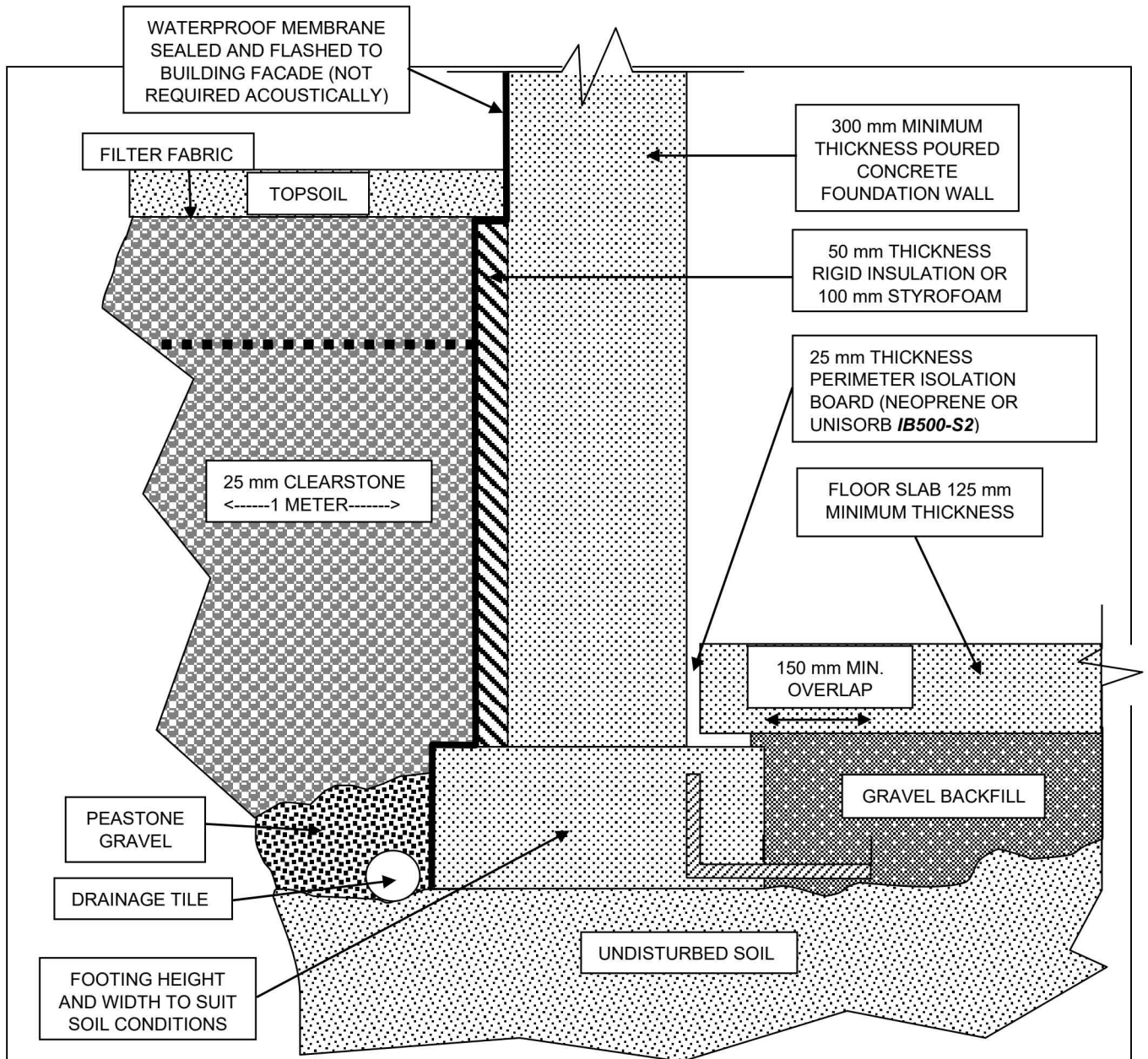
DCG/sh

J:\Peer Reviews\22-173 Feb 17-23 49 Hayes Road Peer Review.doc



APPENDIX A

VIBRATION ISOLATION CONCEPT



NOTES:

1. FOUNDATION WALL TREATMENT REQUIRED FOR WALL CLOSEST AND PARALLEL TO TRACKS PLUS TWO PERPENDICULAR SIDE WALLS.
2. VERTICAL AND HORIZONTAL ISOLATION OF FLOOR SLAB REQUIRED FOR BASEMENT (ALL SIDES) AND ONLY VERTICAL ISOLATION IS REQUIRED FOR GARAGE (ALL SIDES)

RAILWAY VIBRATION ISOLATION CONCEPT



ENBRIDGE COMMENTS

November 22, 2022

Robyn McIntyre, BES
Planner
City of Thorold
Planning & Development Services
3540 Schmon Parkway, PO Box 1044
Thorold, ON L2V 4A7

Dear Robyn,

Re: Draft Plan of Condominium, Zoning By-Law Amendment
1974092 Ontario Inc. o/a Golden Coast Homes
49 Hayes Road
City of Thorold
File No.: D12-01-2022, D14-11-2022

Enbridge Gas Inc. 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 contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

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 Inc. at no cost.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jasleen Kaur'.

Jasleen Kaur
Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



MISSISSAUGAS OF THE CREDIT FIRST NATION COMMENTS

Robyn McIntyre

From: Abby LaForme <Abby.LaForme@mncfn.ca>
Sent: October-28-22 11:31 AM
To: Robyn McIntyre
Cc: Mark LaForme; Adam LaForme
Subject: 49 Hayes Road, Thorold

Good Morning Robyn,

MCFN DOCA would like to submit the following comments about 49 Hayes Road, Thorold.

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792. In light of this, the MCFN Department of Consultation and Accommodation must be in receipt of all Environmental Assessment reports, and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at the cost of the proponent.

MCFN DOCA did receive the EIS, thank you.

Abby (LaForme) Lee
Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0
Ph: (905) 768 – 4260
Email: Abby.LaForme@mncfn.ca



NIAGARA PENINSULA CONSERVATION AUTHORITY COMMENTS

From: [Taran Lennard](#)
To: [Robyn McIntyre](#)
Subject: RE: NPCA Review Response: 49 Hayes Rd, Thorold
Date: November-08-22 8:58:07 AM

Good Morning Robyn,

The NPCA has reviewed the “Environmental Impact Study, 49 Hayes Road” dated August 2022 as prepared by SLR Consulting. The NPCA does not offer objections to the conclusions of the report, and therefore do not offer any final objections to the proposed development.

Appropriate site drainage should be maintained for the development. The NPCA notes that a dry pond has been established to accommodate storm flows, and we do not offer objections. NPCA Staff advise that the EIS has identified planting areas across the site, and Staff encourage the applicant to utilize native plantings in these areas.

The NPCA recommends that the ‘Next Steps’ as outlined in Chapter 10.0 of the EIS (Landscape Plans, Tree Protection Plans, and Sediment and Erosion Control Plans) be developed and implemented for these works.

As such, the NPCA is satisfied with the ZBA. The NPCA does not offer comments or conditions on the draft plan of condo, as we do not offer objections to the approval of this application.

Thank you.

Taran Lennard
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 277
email: tlennard@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#)

[NPCA Watershed Explorer](#)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry 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>

From: Robyn McIntyre <rmcintyre@mhbcplan.com>

Sent: Friday, October 28, 2022 9:57 AM

To: Taran Lennard <tlennard@npca.ca>

Subject: RE: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

Good Morning Taran,

I have inquired with the City to confirm if the fees have been received. It appears that the Planning Technician is out of office until next Tuesday, I should have an answer for you then.

Thank you,

ROBYN MCINTYRE, BES | Planner

I am currently working remotely and can best be reached at rmcintyre@mhbcplan.com

MHBC Planning, Urban Design & Landscape Architecture

540 Bingemans Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 | F 519 576 0121
| rmcintyre@mhbcplan.com

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From: Taran Lennard <tlennard@npca.ca>

Sent: October-28-22 9:25 AM

To: Robyn McIntyre <rmcintyre@mhbcplan.com>

Subject: RE: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

Hi Robyn,

As the NPCA has interest in this application, can you confirm for me if fees have been collected for our Agency?

Thank you!

**Taran Lennard
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 277

email: tlennard@npca.ca

The NPCA is updating our Planning and Permitting Policies! To find out more visit [Get Involved with NPCA](#)

[NPCA Watershed Explorer](#)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

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

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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>

From: Robyn McIntyre <rmcintyre@mhbcplan.com>

Sent: Thursday, October 27, 2022 5:00 PM

To: Robyn McIntyre <rmcintyre@mhbcplan.com>

Cc: Nick Bogaert <nbogaert@mhbcplan.com>

Subject: Request for Agency Comments on Zoning Bylaw Amendment Application (File Number to Follow)

Good Afternoon,

[This is email 1 /3]

Please be advised, MHBC Planning is providing temporary land use planning services under contract to the City of Thorold.

Attached to this email, please find the application and associated documents submitted for a Zoning Bylaw Amendment at 49 Hayes Road in the City of Thorold.

File number will follow in a subsequent email.

Kindly forward your comments to this email address (rmcintyre@mhbcplan.com) by the end of the day November 16, 2022.

Please feel free to reach out if you should have any questions.

Thank you,

ROBYN MCINTYRE, BES | Planner

I am currently working remotely and can best be reached at rmcintyre@mhbcplan.com

MHBC Planning, Urban Design & Landscape Architecture

540 Bingham Centre Drive, Suite 200 | Kitchener | ON | N2B 3X9 | T 519 576 3650 | F 519 576 0121
| rmcintyre@mhbcplan.com

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NIAGARA REGION COMMENTS

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

November 23, 2022

Region File: D.11.09.CD-22-0025
D.18.09.ZA-22-0087

Robyn McIntyre
Planner
MHBC Planning (on behalf of the City of Thorold)
540 Bingemans Centre Drive, Suite 200
Kitchener, ON N2B 3X9

Dear Ms. McIntyre:

**Re: Regional and Provincial Review Comments
Draft Plan of Vacant Land Condominium and Zoning By-law Amendment
Applications
Owner: Golden Coast Homes
Agent: Upper Canada Consultants c/o Ethan Laman
49 Hayes Road
City of Thorold**

Regional Planning and Development Services staff has reviewed the concurrent Draft Plan of Vacant Land Condominium and Zoning By-law Amendment (ZBA) as it relates to 49 Hayes Road (the “subject site”). The subject site is approximately 1.87 hectares (ha) in size.

The applications have been submitted to facilitate a residential development that consists of 53 block townhouse units across 11 blocks fronting onto a private road network. The proposal also includes a dry pond area to provide stormwater quantity control.

The ZBA proposes to amend the City’s Zoning By-law (No. 60-2019) to rezone the subject property from “Future Development (FD)” to site-specific “Private Street Development (R3D-X)” zone. However, given that this by-law was appealed and that it has not fully taken effect to include the residential zones, a draft zoning by-law has also been submitted to amend Zoning By-law 2140 (97) to rezone the subject site from Residential Development (RD) zone to a site specific “Residential Third Density (R3-X)” zone.

A pre-consultation meeting for these applications was held on June 16, 2021 with City, Niagara Peninsula Conservation Authority and Regional staff, and the owner in attendance. As outlined below, Regional staff is generally supportive of the proposed development and offer the following comments from a Provincial and Regional perspective to assist the City in its consideration of these applications.

Regional and Provincial Policies

The subject site is identified as “Settlement Area” in the *Provincial Policy Statement, 2020* (PPS), “Delineated Built-up Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (Growth Plan), and is within the “Urban (Built-up)” Area in the Regional Official Plan (ROP) in effect at the time of complete application submission. Note that the Province approved the new Niagara Official Plan (NOP) on November 4, 2022. As per transition policy 7.12.2.5 of the NOP, development applications deemed complete prior to the approval date of the NOP may be permitted to be processed and a decision made under the local and ROP policies that existed when the application was deemed complete.

The ROP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

The subject site is abutting Employment Lands, as defined in the ROP. This area, including the subject site, is also part of the Gateway Economic Centre. The vision of the Employment Lands within the Gateway Economic Centre are to attract investment and promote employment growth where lands will capitalize on their proximity to the Welland Canal, highways and rail. The ROP also specifies that land use compatibility within this centre is a primary focus to ensure the planned function of employment uses shall be maintained and enhanced. As a note, the Employment Lands, located to the west of the subject site, including 100 Hayes Road, are also considered a Core Employment Area (Thorold-4) as defined in the NOP, which is generally defined as a cluster of traditional employment uses, including manufacturing, construction, transportation and warehousing. As required by the PPS, these areas shall be planned and protected for current and future uses. Therefore, as required by the PPS and ROP, land use compatibility between employment areas and non-employment lands shall be planned for to avoid, minimize and mitigate any adverse effects from noise, and other contaminants, to minimize the risk to public health and safety and to ensure the long-

term operational and economic viability of major facilities. A land use compatibility study has been submitted in this regard, as will be discussed below.

Furthermore, Regional staff acknowledge that in addition to the land use compatibility study review that local compatibility considerations and interface with neighbouring land uses, including built form and urban design considerations in this instance, are local planning matters to be addressed by City Planning staff and Council.

Land Use Compatibility

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...” (Policy 1.2.6.1). To implement this policy, the Ministry of the Environment, Conservation and Parks’ (MECP) Land Use Planning Policy Guidelines are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. The MECP’s Publication NPC-300 “Environmental Noise Guidelines” (NPC-300) is discussed in the next section of this letter under ‘Noise Impacts’.

The application proposes a residential use, which is considered to be a sensitive land use under the D-6 Guidelines, in the vicinity of industrial (including vacant lands) and commercial sites. There is also an active rail line (industrial CN Thorold spur line) located west of the subject site.

As requested at the pre-consultation meeting, a Land Use Compatibility Study (the “SLR Report”), prepared by SLR Consulting Ltd. (dated September 6, 2022) was submitted to evaluate the air quality, dust, odour, noise and vibration in accordance with Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” as well as NPC-300 guidelines.

The D-6 guidelines provide for potential influence areas and recommended minimum separation distances from industrial uses to more sensitive uses, as noted below:

Industrial Facility Class	Recommended Minimum Separation Distance	Potential Influence Area
Class I	20 metres	70 metres
Class II	70 metres	300 metres
Class III	300 metres	1,000 metres

Potential influence areas are those where adverse effects are generally expected to occur, and act as a potential constraint for sensitive land uses. Potential influence areas are used in the absence of specific technical studies (i.e. noise) that identify actual

influence areas. The minimum separation distances are the recommended distances where incompatible development should not occur unless impacts can be mitigated to the level of “trivial impact” (i.e. no adverse effects).

The SLR report concluded that the nearby facilities requiring further assessment (i.e. within the potential influence area) can be classified as follows under the guidelines:

- Class II: NPL Canada, located approximately 260 metres to the north of the subject site at 401 Allanburg Road.
- Class I: Commercial/Retail Plaza, immediately abutting the subject site to the southeast at 543 Allanburg Road. Given the nature of the use, the additional assessment required is with regard to noise only.

The SLR report concluded that the subject site is anticipated to be compatible with NPL Canada from an air quality perspective and dust and odour are not anticipated to reach the subject site. Only one site visit was conducted.

Potential future uses were also considered on a nearby vacant industrial land (100 Hayes Road) and on the lands associated with the above noted nearby facilities, to account for turn over, using the permissions in the City’s Zoning By-law. SLR concluded that the possibilities of future industrial uses were limited to Class I and II industries. Further, the study noted that existing residential land uses are located at a similar distance to General Industrial lands and therefore the subject site is not introducing a “new test”. The long-term land use of 100 Hayes Road envisioned in ROP and as part of the Core Employment Area (Thorold-4), can include manufacturing uses, including Heavy Manufacturing, as noted in the SLR report. Worst case scenarios should, therefore, be assessed in accordance with D-6 Guidelines in order to determine any site or building design measures for the proposed development. It is Regional staff’s understanding, therefore, that a Class III facility could be placed on this site whereas the analysis limited potential future uses to Class I and II facilities.

The SLR Report lists a number of facilities surrounding the subject site in Appendix B, which all fall outside of the Area of Influence, except for NPL Canada, as mentioned above. Of particular concern, however, is the cement plant, CBM, located at 324 Allanburg Road. CBM is located 490 m from the subject site and listed as a Class II facility. Due to the nature of this facility, however, staff wonders whether this facility is more appropriately categorized as a Class III facility. Moreover, with regard to NPL Canada, Regional staff request clarity on whether there are outdoor operations taking place at this site that could influence the air quality, dust and odour assessments.

Regional staff, however, acknowledges the current situation, whereby there are existing residential uses in close proximity to industrial operations and employment lands that would need to be protected from impacts of existing and future operations. As such, Regional staff requests that a Land Use Compatibility Addendum is submitted to address compatibility with the vacant industrial property at 100 Hayes Road, including any recommendations for site

design or building mitigation measures, along with clarity on the potential outdoor uses on NPL Canada and further analysis of CBM to confirm its industrial classification, as noted above.

Noise and Vibration Impacts

The Environmental Noise Assessment portion of the SLR report considered stationary noise impacts from the above-identified facilities, vacant industrial land and transportation related sources including rail and road traffic. Vibration from the rail was also considered.

The review of the commercial/retail plaza included stationary noise sources associated with the rooftop HVAC and cooling units. Noise sources associated with NPL Canada were not specified in the SLR report and a detailed assessment of the facility was not completed given the distance and presence of intervening noise-sensitive land uses and the fact that the facility is not permitted to generate audible night-time noise in accordance with the City's Noise By-law 37-2014. With regard to the nearby vacant industrial lands and future land use considerations, it is noted in the report that there are existing noise-sensitive land uses located closer than the proposal. The report also considers that future industrial facilities with the potential for off-site noise or vibration emissions would be required to obtain an ECA or EASR permits prior to operating. Accordingly, the report concludes that the stationary noise level limits associated with the commercial plaza and NPL Canada, along with the nearby vacant industrial land can be expected to comply at the subject site; therefore, noise mitigation measures are not required to address potential adverse noise impacts from stationary noise sources. Clarification should be provided to confirm whether any warning clauses are required. Additionally, this should be reassessed given any changes per Regional staff's comments above (for example if there are potential noise sources from any outdoor operations at NPL Canada).

The Environmental Noise Report also assessed nearby transportation noise sources including Allanburg Road and the CN Thorold rail spur. Given the size of the average daily road traffic volumes and the distance of the subject site to Allanburg Road, the noise is anticipated to be low and not expected to affect the subject site. The spur line is currently inactive (not receiving cars) according to GIO Rail until such time that all repairs have been made. It is not clear when it will become active. Therefore, the analysis by SLR was based on the current CN rail traffic forecast, which is expected to change once GIO Rail begins operations along this spur line. SLR notes that given the uncertainty regarding future rail operations, the assessment prepared by SLR should be reviewed and/or updated once detailed rail traffic data is available from GIO Rail.

The report concluded that noise levels from the rail source will comply with NPC-300 guidelines, provided certain mitigation measures are implemented in the design of the development and the appropriate warning clauses are used. Such mitigation measures include:

- Blocks 1, 2, 3 and 8 requiring brick veneer or masonry from foundation to rafters
- Blocks 1, 2, 3, 4, 6, 7, 8 and 9 will require upgraded glazing on parts of the building
- A Type C warning clause and provision for air conditioning at a later date are required for Blocks 1, 2, 3, 4, 8 and 9
- A CN warning clause for all townhouse blocks given all blocks are within 300 m of the CN Thorold spur line

Noise mitigation measures and warning clauses are not required with respect to Outdoor Living Areas.

Regional staff note the analysis was based on generic room and window dimensions and, therefore, the report should be updated when detailed suite layout and elevations are available.

With respect to the vibration impacts, given there are no MECP guidelines, guidelines by the Federation of Canadian Municipalities and the Railway Association of Canada are used, which CN Rail endorses. As noted above, given that the spur line is inactive, the vibration levels were estimated. The critical distance from the rail tracks, which exceeds the applicable guidelines, was determined to be 37 metres; therefore, Blocks 1, 2, 3 and 8 are noted as requiring mitigation measures. Note that similar to the above noise assessment, design and construction details will have to be reviewed by a qualified professional to confirm the analysis. Moreover, should the spur line become active and actual vibration levels can be obtained, the proposed mitigation measures should be reassessed to be based on the actual calculations versus estimates.

Environmental Comments

The subject site is not identified as being located within the Region's Core Natural Heritage System (CNHS). However, staff requested to be notified should any Regionally designated CNHS features be identified through future studies/evaluations of the site. Staff has reviewed the Environmental Impact Study (EIS), prepared by SLR, dated August 2022, which evaluated the site for the presence of any aquatic or terrestrial habitat. The EIS concludes that there are no Regionally designated CNHS features on the property. Staff offer no objection to the findings of the EIS and as such offer no objection to the proposed ZBA or Draft Plan of Vacant Land of Condominium.

Servicing

Servicing will be under the jurisdiction of the City of Thorold and will require the construction of new water main, storm sewer and sanitary sewer. Any new storm and sanitary sewers that are municipally owned need to be approved through the Ministry of Environment Transfer of Review Program or the pending consolidated Linear ECA process. Drawings with calculations for the services must be submitted to this

department for review and approval to ensure there is capacity in the Regional infrastructure.

Appropriate conditions with respect to servicing are included within the attached Appendix I.

Stormwater Management

The 'Functional Servicing Report', prepared by Upper Canada Consultants (dated August 2022), includes a conceptual stormwater management (SWM) plan that is to provide development stormwater quality treatment and outflow control. The following requirements shall be satisfied within the detailed design:

- Stormwater from the development be collected and treated to a Normal protection (i.e. 70% long-term suspended solids removal) as the minimum acceptable standard prior to discharge from the site.
- The SWM plan shall demonstrate the development stormwater will be accommodated without negative impacts to adjacent properties, City infrastructure and the outflow receiving watercourse.
- A report be submitted to this office indicating in details how the above noted criteria will be achieved and include a section for inspection and maintenance requirements of SWM facilities for the future owner.
- Prior to construction, detailed grading, servicing, and construction sediment control plans be submitted to this office for review and approval.

Appropriate conditions with respect to SWM are included within the attached Appendix I.

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 site is eligible to receive Regional curbside waste and recycling collection provided that the owner brings the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Garbage: 2 bags/cans per unit max collected every-other-week;
- Recycling: weekly blue/grey boxes or carts (unlimited);
- Organics: weekly green bins or carts (unlimited).
- Curbside Collection Only.

Regional staff have reviewed the submitted material and note that waste collection pads

will be required for units 34-38, and 52-53. Regional trucks must not reverse more than 15 metres, which will be required to perform a turnaround maneuver if waste is collected at the curbs of the aforementioned units. Future submissions should show truck route and turning templates as well as the trucks entering and exiting the development from both directions on Hayes Road. Pads must be situated so that tenants do not have a round trip of more than 100 metres to their respective collection pad. Therefore, the walking distances from the farthest units to their collection pads are to be included on the waste collection drawing as well.

If the above mentioned requirements cannot be met, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region. Please note conditions regarding collection pads are only to be included in the Condominium Agreement if collection pads are required.

Appropriate conditions with respect to waste collection are included within the attached Appendix I.

Conclusion

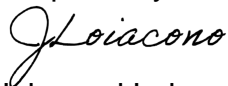
Regional staff cannot provide support for this application at this time given the concerns noted in the Land Use Compatibility Section of this letter. Therefore, staff is requesting the submission of an addendum to the Land Use Compatibility report to provide further clarity on the assessment of nearby facilities and vacant industrial land.

Attached is a preliminary list of draft plan conditions provided for information only at this time. Following the review and approval of the requested addendum, a final list of conditions and warning advisories will be provided.

Should you have any questions related to the above comments, please feel free to contact me at johnpaul.loiacono@niagararegion.ca or Pat Busnello, Manager of Development Planning at pat.busnello@niagararegion.ca.

Please send notice of Council's decision on these applications.

Respectfully,



Johnpaul Loiacono, MCIP, RPP
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P.Eng, Manager, Development Engineering, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region

Attachments:

Appendix I: Regional Conditions of Draft Plan of Vacant Land Condominium Approval

Appendix I

Regional Conditions of Draft Plan of Vacant Land Condominium Approval

49 Hayes Road, City of Thorold

1. That the owner agrees through clauses in the Condominium Agreement between the owner and City of Thorold to implement the noise and vibration mitigation measures, as recommended by SLR Consulting Ltd in their report dated September 6, 2022 (Section 6.5), with respect to transportation and railway noise, which includes facade construction upgrades, the provision for installing air conditioning, appropriate warning clauses and specific rail related vibration mitigation for the townhouse blocks adjacent to the CN Thorold Spur Line.
2. That the Owner/Developer provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium 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/Developer.
3. That the Owner/Developer provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the Owner/Developer and the City.
4. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program, or confirmation from the Region regarding the capacity/impacts to Regional infrastructure through the pending Consolidated Linear Environmental Compliance Approval process.
5. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
 - b) Detailed erosion and sedimentation control plans.
6. That the condominium agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved stormwater management plan.
7. That the Owner/Developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling.
8. That the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection prior to Regional curbside waste collection services commencing.
9. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the developer for Units 34-38, 52 and 53
10. The owner is advised that some of the proposed development's internal roads exceed the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection, residents will be required to bring their containers to their designated waste collection pads for collection. The following clause should be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for units 34-38, 52 and 53:
 - *"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."*
11. The following warning shall be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for each property to survive closing:

- *“Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).”*

Clearance of Conditions

Prior to granting final approval, the City of Thorold 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.

Condominium Agreement

Prior to final approval for registration, a copy of the executed 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.

Nick Bogaert

From: Matt Kernahan <matt@ucc.com>
Sent: March-31-23 4:29 PM
To: Tara O'Toole
Cc: Meghan Birbeck; Robyn McIntyre; Nick Bogaert; Busnello, Pat; 'gbasta@rogers.com'; Diane Freeman
Subject: FW: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tara,

Please see email below from SLR regarding the Region's comments on the addendum to their D6 study.

I trust this will satisfy the Region and give the City what they need in order to bring a recommendation report before Council at the first meeting in May. If you could provide me with confirmation in this regard, it would be appreciated.

Thanks,

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
Cell: (905) 329-4914
Tel: (905) 688-9400 ext. 504
Email: matt@ucc.com

From: Diane Freeman <dfreeman@slrconsulting.com>
Sent: March 31, 2023 4:17 PM
To: Matt Kernahan <matt@ucc.com>; Keni Mallinen <kmallinen@slrconsulting.com>
Cc: Kim Logan <klogan@slrconsulting.com>; Scott Penton <spenton@slrconsulting.com>; 'gbasta@rogers.com' <gbasta@rogers.com>
Subject: RE: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

As discussed, the following response is provided to the additional comments from Niagara Region:

- Table 1 (pp. 2-4) provides a D-6 classification of potential employment uses for 100 Hayes Road based on the permitted uses of the General Industrial "M2" Zone. Column 3 identifies "Potential D-6 Industry Class", from Class I to III, for the range of permitted uses. However, SLR classifies all of the uses as Class I, including "Heavy Manufacturing Establishment", "Heavy Service Shop", and "Industrial Use", noting for many of the uses that "Classification

depends on intensity” and that such uses are expected to be a Class I industry given surrounding land uses. SLR also indicates that MECP Permits are required for emissions to the atmosphere.

- **SLR has reviewed this comment and has no additional comments.**
- Regional staff notes, however, that in addition to intensity of the use (i.e. frequency in movement of products and/or heavy trucks, etc.), classification of uses is also determined by other criteria related to: outputs; scale (i.e. scale of plant/production levels, permissions for outside storage); process; and, operation (daytime operations only versus shift operations). Some of these aspects of an employment use are not subject to approvals from the MECP, such as the frequency in movement of products or heavy trucks, outside storage, level of production, and shift operations. Therefore, while staff agree that requiring MECP approvals for emissions could pose limitations on employment uses due to proximity of existing dwellings to the south of the proposed development (49 Hayes Road), other characteristics of employment uses as noted that are not subject to approvals could result in a Class II or III industrial use(s) locating at 100 Hayes Road.
- **SLR understands that fugitive emissions of dust, odour and noise could occur from a future industry, however management of these emissions will already be required based on the presence the existing neighbouring residential uses. Therefore the Project site will not create a new constraint related to management of these air and noise emissions.**
- Accordingly, it is requested that further consideration be given to the classification of the employment uses with respect to characteristics of the employment uses that are not subject to MECP oversight and any required mitigation measures to minimize impacts on the proposed residences. Further, as the proposed development will be the closest sensitive use to the northerly portion of the vacant employment lands to the west, some analysis should be provided on any resulting limitations that may result on the development and use of the northerly portion of the employment lands.
- SLR identifies several types of employment uses that should not be permitted at 100 Hayes Road (see pp. 4-5) “to improve Compatibility with the residential uses across from Hayes Road” (Heavy Manufacturing Establishment; Heavy Service Shop; Industrial Use; and, Large-scale Laboratory). These uses are permitted as-of-right in the City’s Zoning By-law and, as such, would require a zoning amendment to remove these permissions. As this is beyond the owner’s control and would require concurrence of the industrial property owner, it is requested that clarification be provided whether an inability on the part of the applicant to implement this recommendation affects the compatibility assessment.
- **Currently there are no uses on the 100 Hayes road property that create a land use compatibility issue for the Project site. If a future employment use is proposed, potential management of fugitive emissions of air and noise should be managed through the Site Plan Approval process based on the presence of residential land uses. There are a number of mitigation measures that could be used by future industrial uses to facilitate compatibility.**

SLR Response to Comment #2:

- In the response to staff's question regarding the classification of the CBM facility (ready-mix concrete batch plant) located at 324 Allanburg Road, SLR indicates that materials crushing equipment was not observed on a site visit on June 27, 2022. Based in part on the lack of crushing equipment, SLR considers CBM to be a Class II facility (p. 6). Based on experience, however, it is possible for a concrete batch plant to periodically utilize mobile/portable crushing equipment as needed. This could potentially result in a Class III classification. Nevertheless, in this instance SLR also notes that the proposed development is approximately 490 m from the CBM facility and there are existing residential uses located in closer proximity.
- Use of mobile crushing equipment requires an Environmental Compliance Approval from the MECP prior to use. Through this process, constraints related to equipment use relative to sensitive land uses are included in the permit. There are existing sensitive land uses located closer to CBM than the Project site. Therefore the Project site will not create a new constraint related to management of potential air and noise emissions.
- SLR also notes that if the CBM facility was considered a Class III industry the proposed development would be located "*over 1.5 times the Recommended Minimum Separation Distance of 300 m*" (p. 7). It is noted, however that a Class III facility has a Potential Area of Influence of 1,000 m. As such, the conclusion that the development is anticipated to be compatible with the CBM facility should be confirmed if the facility utilizes mobile crushing equipment.
- As per the SLR comment above, we confirm that the development is anticipated to be compatible with the CBM facility.

Statement of Limitations:

- Staff notes that SLR's 'Statement of Limitations' (p. 9) provides that the report "*is intended for the sole and exclusive use of the Client and by the City of Toronto (sic) in their role as a land use planning approval authority*". Further, the statement indicates that "*Other than by the Client and as set out herein, ...use or reliance on the information contained herein, in whole or in part, is not permitted unless payment for the work has been made in full and express written permission has been obtained from SLR*". The Region requires and respectfully requests third-party reliance on the report and it's conclusions and recommendations in the Region's delegated Municipal Plan Review responsibilities.
- For your use, the following revised wording is provided:

This report has been prepared and the work referred to in this report has been undertaken by SLR Consulting (Canada) Ltd. (SLR) for Golden Coast Homes, hereafter referred to as the "Client." It is intended for the sole and exclusive use of the Client. The report has been prepared in accordance with the Scope of Work and agreement between SLR and the Client. Other than by the Client, the City of Thorold and the Region of Niagara in their roles as land use planning approval authorities, copying or distribution of this report or use of or reliance on the information contained herein, in whole or in part, is not permitted unless payment for the work has been made in full and express written permission has been obtained from SLR. This report has been prepared in a manner generally accepted by professional consulting principles and practices for the same locality and under similar conditions. No other representations or warranties, expressed or implied, are made. Opinions and recommendations contained in this report are based on conditions that existed at the time the services were performed and are intended only for the client, purposes,

locations, time frames and project parameters as outlined in the Scope of Work and agreement between SLR and the Client. The data reported, findings, observations and conclusions expressed are limited by the Scope of Work. SLR is not responsible for the impacts of any changes in environmental standards, practices, or regulations subsequent to performance of services. SLR does not warranty the accuracy of information provided by third party sources.

Kind Regards,

Diane



Diane Freeman, P.Eng. FEC, FCAE

She/Her/Hers

Principal, Air Quality

☎ +1 226 706 8080

☎ +1 226 203 7559

✉ dfreeman@slrconsulting.com

SLR Consulting (Canada) Ltd

100 Stone Road West, Suite 201, Guelph, ON N1G 5L3



From: Busnello, Pat <pat.busnello@niagararegion.ca>

Sent: March 26, 2023 10:47 PM

To: Matt Kernahan <matt@ucc.com>; Tara O'Toole <Tara.O'Toole@thorold.ca>

Cc: Morreale, Diana <Diana.Morreale@niagararegion.ca>; Morgan Casciani <Morgan.Casciani@thorold.ca>; Meghan Birbeck <Meghan.Birbeck@thorold.ca>; Robyn McIntyre <rmcintyre@mhbcplan.com>; Nick Bogaert <nbogaert@mhbcplan.com>; 'gbasta@rogers.com' <gbasta@rogers.com>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Bokestyn, Alex <Alex.Bokestyn@niagararegion.ca>

Subject: RE: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

Hi Matt,

Apologies for the delay. Please see my comments below with respect to the addendum/response letter by SLR Consulting (Canada) Ltd. dated January 30, 2023. As we previously discussed in our phone call, the Region is requesting additional clarification on some aspects of the response letter as indicated.

SLR Response to Comment #1:

- Table 1 (pp. 2-4) provides a D-6 classification of potential employment uses for 100 Hayes Road based on the permitted uses of the General Industrial "M2" Zone. Column 3 identifies "Potential D-6 Industry Class", from Class I to III, for the range of permitted uses. However, SLR classifies all of the uses as Class I, including "Heavy Manufacturing Establishment", "Heavy Service Shop", and "Industrial Use", noting for many of the uses that "Classification depends on intensity" and that such uses are expected to be a Class I industry given

surrounding land uses. SLR also indicates that MECP Permits are required for emissions to the atmosphere.

- Regional staff notes, however, that in addition to intensity of the use (i.e. frequency in movement of products and/or heavy trucks, etc.), classification of uses is also determined by other criteria related to: outputs; scale (i.e. scale of plant/production levels, permissions for outside storage); process; and, operation (daytime operations only versus shift operations). Some of these aspects of an employment use are not subject to approvals from the MECP, such as the frequency in movement of products or heavy trucks, outside storage, level of production, and shift operations. Therefore, while staff agree that requiring MECP approvals for emissions could pose limitations on employment uses due to proximity of existing dwellings to the south of the proposed development (49 Hayes Road), other characteristics of employment uses as noted that are not subject to approvals could result in a Class II or III industrial use(s) locating at 100 Hayes Road.
- Accordingly, it is requested that further consideration be given to the classification of the employment uses with respect to characteristics of the employment uses that are not subject to MECP oversight and any required mitigation measures to minimize impacts on the proposed residences. Further, as the proposed development will be the closest sensitive use to the northerly portion of the vacant employment lands to the west, some analysis should be provided on any resulting limitations that may result on the development and use of the northerly portion of the employment lands.
- SLR identifies several types of employment uses that should not be permitted at 100 Hayes Road (see pp. 4-5) “to improve Compatibility with the residential uses across from Hayes Road” (Heavy Manufacturing Establishment; Heavy Service Shop; Industrial Use; and, Large-scale Laboratory). These uses are permitted as-of-right in the City’s Zoning By-law and, as such, would require a zoning amendment to remove these permissions. As this is beyond the owner’s control and would require concurrence of the industrial property owner, it is requested that clarification be provided whether an inability on the part of the applicant to implement this recommendation affects the compatibility assessment.

SLR Response to Comment #2:

- In the response to staff’s question regarding the classification of the CBM facility (ready-mix concrete batch plant) located at 324 Allanburg Road, SLR indicates that materials crushing equipment was not observed on a site visit on June 27, 2022. Based in part on the lack of crushing equipment, SLR considers CBM to be a Class II facility (p. 6). Based on experience, however, it is possible for a concrete batch plant to periodically utilize mobile/portable crushing equipment as needed. This could potentially result in a Class III classification. Nevertheless, in this instance SLR also notes that the proposed development is approximately 490 m from the CBM facility and there are existing residential uses located in closer proximity.
- SLR also notes that if the CBM facility was considered a Class III industry the proposed development would be located “*over 1.5 times the Recommended Minimum Separation Distance of 300 m*” (p. 7). It is noted, however that a Class III facility has a Potential Area of Influence of 1,000 m. As such, the conclusion that the development is anticipated to be compatible with the CBM facility should be confirmed if the facility utilizes mobile crushing equipment.

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Please let me know if you have any questions or require clarification on the above comments.

Regards,
Pat

Pat Busnello, MCIP, RPP

Manager, Development Planning
Niagara Region
Planning and Development
905-980-6000, ext. 3379
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From: Matt Kernahan <matt@ucc.com>

Sent: Thursday, March 9, 2023 12:08 PM

To: Busnello, Pat <pat.busnello@niagararegion.ca>; Tara O'Toole <Tara.O'Toole@thorold.ca>

Cc: Meghan Birbeck <Meghan.Birbeck@thorold.ca>; Robyn McIntyre <rmcintyre@mhbcplan.com>; Nick Bogaert <nbogaert@mhbcplan.com>; 'gbasta@rogers.com' <gbasta@rogers.com>

Subject: RE: 2023-02-24_CN_RES_49 Hayes Road, Thorold - Noise and Vibration Update - SLR File: 241.30528.00000

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Pat,

Further to our call last week, can you please get us the Region's comments on this?

Thanks,

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3