

APPENDIX C - AGENCY CLEARANCES

From: circulations@wsp.com
To: [Paul Klassen](#)
Cc: planninganddevelopment@bell.ca
Subject: Clearance; ZBLA (D14-09-2019) and Draft Plan of Subdivision application (D12-04-2019) - West of Allanburg Rd.
Date: Friday, July 24, 2020 10:33:24 AM

2020-07-24

Paul Klassen

Thorold

, ,

Attention: Paul Klassen

Re: Clearance; ZBLA (D14-09-2019) and Draft Plan of Subdivision application (D12-04-2019) - West of Allanburg Rd.; Your File No. D14-09-2019,D12-04-2019

Our File No. 85505

Dear Sir/Madam,

Please be advised that the Owner has satisfied Bell Canada's condition(s) relating to the provision of communication/telecommunication infrastructure for the above noted file.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, they are not responsible for the provision of comments or other responses. **All responses to circulations and requests for information, such as requests for clearance, come directly from Bell Canada, and not from WSP.**

Should you have any questions, please contact the undersigned.

Yours truly,

Meaghan Palynchuk
Manager - Municipal Relations

Network Provisioning

T: 905-540-7254 / M: 289-527-3953

Email: planninganddevelopment@bell.ca

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Delivery Planning
Canada Post Corporation
955 Highbury Avenue North
London, ON N5Y 1A3

February 27, 2020

JULIE HANNAH
CITY OF THOROLD
PO Box 1044, 3540 SCHMON PARKWAY
THOROLD ON L2V 4A7

Re: D12-04-2019 Hodgkins Ave Extension

Please be advised that as specified by The Corporation of The City of Thorold Conditions of Approval for Draft Plan, this letter is to inform you that the conditions included for Canada Post purposes have been cleared.

Should you have any questions or concerns regarding this issue, I can be reached at 226-268-5914.

Regards,

A. Carrigan

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

From: [Ashkan Matlabi](#) on behalf of [Proximity](#)
To: [Paul Klassen](#)
Cc: info@capitalcontractinggroup.com; [Vergis-Mayo, Katryna](#); [Calzavara, Jules](#)
Subject: 2021-11-10_CN_Clearance of Conditions_5009835 Ontario Inc._Allanburg Road Subdivision Development
Date: Wednesday, November 10, 2021 3:38:57 PM
Attachments: [image001.png](#)

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Hello Paul,

With regard to the above noted matter, the proponent and the proponent's counsel has agreed to ensure that the CN Agreement is registered and certified on title (through the execution of an undertaking). Therefore, this email is to confirm that CN is providing clearance of all conditions for the proposed development of the 40 lots of detached dwellings.

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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T : 1-438-459-9190
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H3H 1P9 CANADA
wsp.com

From: [Mabee, Sue](#)
To: [Paul Klassen](#)
Subject: RE: Final Subdivision Approval - PT TWP LT 71, Thorold
Date: Tuesday, September 22, 2020 11:33:20 AM

Hi Paul,

Thank you for circulating this information. We are satisfied that condition 53 can be cleared.

Let me know if you need anything else.

Sue Mabee, MCIP, RPP
Supervisor of Planning
DISTRICT SCHOOL BOARD OF NIAGARA
191 Carlton Street
St. Catharines, ON L2R 7P4
905-641-2929 ext. 54225
sue.mabee@dsbn.org
www.dsbn.org

Achieving Success Together

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From: Paul Klassen <Paul.Klassen@thorold.ca>
Sent: Monday, September 14, 2020 4:41 PM
To: Mabee, Sue <Sue.Mabee@dsbn.org>
Subject: Final Subdivision Approval - PT TWP LT 71, Thorold

External: This email is from an external source. Please exercise caution with attachments, links, or requests for information.

Hi Sue,

The City is processing an application for Final Subdivision Approval for the lands known as PT TWP LOT 71 in Thorold. The lands are located on the west side of Allanburg Road, south of Lynn Crescent. During the review of the Draft Plan of Subdivision/Zoning By-law Amendment applications you had noted that sidewalks should be constructed to facilitate student travel to school/bus stop locations. This request was added as a condition of Final Subdivision Approval (#53 in the attached conditions

June 3, 2020

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

Dear Paul,

Re: Plan of Subdivision - Clearance
5009835 Ontario Inc.
Allanburg Road
Pt Twp Lot 71, Being Part 1, Plan 59R-16301
City of Thorold
File No.: D12-04-2019

The applicant has made arrangements to complete the draft conditions to the satisfaction of Enbridge Gas Inc. Easement(s) are still required for the gas piping installation for this development. The applicant will finalize all easement(s) upon registration.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Analyst
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

CC: Anthony Infurna – Hallex Engineering Ltd.
Debbie Felicetti – Enbridge Gas Inc.

From: [Municipal Planning](#)
To: [Paul Klassen](#)
Subject: FW: Plan of Subdivision - PT TWP LOT 71, Thorold
Date: Monday, November 22, 2021 3:01:19 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul,

As discussed I have looked into this subdivision and do not see a requirement for an easement as the gas mains appear to be designed to be placed within the road allowance. I do not see anything outstanding on our end and we are ok with you proceeding to finalize the subdivision agreement.

As we discussed and to give a little background on our clearance letters for the Niagara region, you will see similar wording regarding easements on all or most of our clearance letters going forward. Often we are requested to provide clearance within the Niagara Region well before our gas is designed and any easements (if required) are obtained. I have provided our standard wording for clearance letters for the Niagara Region below. We have included clauses in the letter to ensure we get any required easements and any funds from the developers for potential relocation of gas mains. The clauses are not meant to hold up registration.

"The applicant has made arrangements to complete the draft conditions to the satisfaction of Enbridge Gas Inc.

Easement(s) may be required for the gas piping installation for this development. The applicant will finalize all easement(s) upon registration. Additionally if any portion of 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 the proposed construction, all costs are the responsibility of the applicant."

I hope this helps, please feel free to reach out to me with any questions.

Regards,

Casey O'Neil

Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Paul Klassen <Paul.Klassen@thorold.ca>

Sent: Monday, November 22, 2021 8:43 AM

To: Municipal Planning <MunicipalPlanning@enbridge.com>

Subject: [External] RE: Plan of Subdivision - PT TWP LOT 71, Thorold

CAUTION: EXTERNAL EMAIL

This email originated from outside Enbridge and could be a phish. Criminals can pretend to be anyone. Do not interact with the email unless you are 100% certain it is legitimate. Report any suspicious emails.

Hi Alice,

Following up on this again on my November 16th email below. Please let me know.

Thanks,

Paul

From: Paul Klassen

Sent: Thursday, November 18, 2021 4:27 PM

To: 'Enbridge' <MunicipalPlanning@enbridge.com>

Subject: RE: Plan of Subdivision - PT TWP LOT 71, Thorold

Hi Alice,

Just following up on the email below.

Regards,

Paul

From: Paul Klassen

Sent: Tuesday, November 16, 2021 3:04 PM

To: 'Municipal Planning' <MunicipalPlanning@enbridge.com>

Subject: Plan of Subdivision - PT TWP LOT 71, Thorold

Hi Alice,

I have attached a clearance letter that you provided last year for the proposed plan of subdivision on lands described as PT TWP LOT 71 in the City of Thorold.

The letter notes: "Easement(s) are still required for the gas piping installation for this development. The applicant will finalize all easement(s) upon registration."

Do you know if the applicant has been in contact with Enbridge to address the requirement for the easements? I have been advised by the applicant that a 59R Plan is not required be included in the agreement to identify utility easements for this development. I want to ensure there is nothing outstanding before finalizing the Subdivision Agreement.

If you would like to call to discuss this, I am available all afternoon.

Regards,

Paul Klassen, BES, MCIP, RPP

Senior Planner

City of Thorold

905-227-6613 ext. 278

Paul.Klassen@thorold.ca

**Ministry of
Transportation**
Central Region
Highway Corridor Management
Section
159 Sir William Hearst Ave
7th Floor, Bldg. D
Downsview, ON M3M 0B7
Tel (416) 268-3932
Fax (416) 235-4267
Email ted.lagakos@ontario.ca

**Ministère des
Transports**
Région centrale du ministère des
Transports de la Section de la gestion des
couloirs routiers
159 Sir William Hearst Ave
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Downsview, ON M3M 0B7
Tél (416) 268-3932
Télécopieur (416) 235-4267
Courriel ted.lagakos@ontario.ca



September 10, 2021

VIA EMAIL

Mr. Paul Klassen
Intermediate Planner
City of Thorold
3540 Schmon Parkway
Thorold ON
L2V 4A7

**Re: Ministry of Transportation (MTO) Clearance Letter for Plan of Subdivision
Lot 71, Allanburg Road and Highway 58
City of Thorold
Town File: D12-04-2019**

Attention Mr. Klassen:

This is to advise that the following conditions of draft approval have been addressed to the satisfaction of the Ministry of Transportation (MTO):

Draft Plan Condition #70 - MTO Permit Radius

Condition is not applicable. MTO has no further concerns.

Draft Plan Condition #71 - Drainage

Applicant's Functional Servicing Report (Sept 23/2020, Rev. #2) and Stormwater Management Report (Nov 12/2020, Rev. #2) have been reviewed and approved. As a result, we have no further concerns.

Draft Plan Condition #72 - Functional Servicing Design Brief

Applicant's Functional Servicing Report (Sept 23/2020, Rev. #2) has been reviewed and approved. As a result, we have no further concerns.

Draft Plan Condition #73 - Grading Plans

Applicant's Stormwater Management Design Brief dated September 23, 2020 and Engineering drawings dated June 1, 2021 have been reviewed and approved. As a result, we have no further concerns.

Draft Plan Condition #74 - Site Development (no more than 40 Detachable Residences)

Applicant's Engineering drawings dated June 1, 2021 have been reviewed and approved. As a result, we have no further concerns.

Draft Plan Condition #75 - Development Signs Visible to Highway 58

City has confirmed no visible development signs from Highway 58. As a result, we have no further concerns.

By copy of this letter, the applicant is advised of the following:

1. Ministry permits must be secured **prior** to any reconstruction of the site within the Ministry's permit control area.
2. No encroachment onto ministry lands will be permitted.
3. The following Ministry permits are required:
 - i. A Building and Land Use Permit for grading/servicing/internal road construction.
 - ii. Building and Land Use Permits for individual building lots within 45m of all ministry property limits and a 395m radius from the center point of Allanburg Road and Highway 58.
 - iii. Sign Permits for any signing within 400m of Highway 58 property limits.
4. Mr. Peter Deluca, Corridor Management Officer, of the Ministry's Highway Corridor Management Section should be contacted for all MTO permit inquiries, at (647) 248-8548 or peter.deluca.@ontario.ca.

I trust that this is satisfactory. We would appreciate receiving a copy of the City's decisions on this application. Please feel free to contact me if you have any questions.

Sincerely,

Ted Lagakos
Senior Project Manager (Niagara/Hamilton)
Highway Corridor Management Section - Central Operations

Ministry of Transportation
159 Sir William Hearst Avenue, 7th Floor
Toronto, ON M3M 0B7
Tel. (416) 268-3932

E-Mail: ted.lagakos@ontario.ca

Web: www.mto.gov.on.ca/english/engineering/management/corridor



Planning and Development Services

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

Via Email Only

November 22, 2021

Regional File: D.11.09.SD-20-0030

Mr. Paul Klassen
Senior Planner
City of Thorold
3540 Schmon Parkway
Thorold, ON, L2V 4A7

Dear Mr. Klassen:

**Re: Regional and Provincial Comments
Clearance of Conditions – Draft Plan of Subdivision
City File: D12-04-2019
Owner / Agent: 5009835 Ontario Inc. (c/o Michael Colosimo)
Legal Description: PT TWP LOT 71 (Reference Plan: 59R-16301 PART 1)
City of Thorold**

Regional staff has received the Agent's request on behalf of the owner to clear Regional Conditions for the abovementioned Draft Plan of Subdivision that was originally draft approved on December 17, 2019. The City provided the Region with a copy of the Draft Subdivision Agreement to support our review of this clearance request.

The Plan of Subdivision will consist of 40 single-detached family residential lots on a site that is approximately 1.97 ha (4.87 acres) in size. Since draft approval, Regional Development Services staff received the following information in support of the request to clear conditions:

- A "*Functional Servicing Design Brief – New Storm, Sanitary and Water Services – Version 2*" prepared by Hallex Engineering Ltd. (dated September, 23, 2020);
- A "*Stormwater Management Design Brief – Version 2*" prepared by Hallex Engineering Ltd. (dated November 12, 2020);
- A Peer Review of the Environmental Noise Assessment letter prepared by Jade Acoustics (dated December 4, 2020)
- A "*Response Matrix*" to the Jade Acoustics Peer Review letter prepared by SDK Environmental, and an updated "*Environmental Noise Assessment – Version 2*" prepared by SDK Environmental (dated January 25, 2021);

- An updated “*Arborist Report – addendum to Tree Saving Plan*” prepared by Davey Resource Group (dated March 17, 2021);
- A “*Stage 1-2 Archaeological Property Assessment – Allanburg Road (Part of Lot 71)*” prepared by AMICK Consulting Ltd. (dated July 29, 2019);
- An “*Acknowledgement Letter - Archaeological Report for P058-1755-2019*” from the Ministry of Tourism, Culture and Sport (dated August 9, 2019); and
- A “*Railway Vibration Mitigation Study*” prepared by Valcoustics Canada Ltd. (dated August 5, 2021).

The Conditions of Approval for which the Region is listed as the clearance agency are identified as Conditions 54 through 64. This letter summarizes the status of these conditions and provides final clearance for the purposes of proceeding with registration of the subdivision.

Condition 54

Condition 54 requires that the Developer shall submit a revised Tree Saving Plan to Niagara Region Planning and Development Services for review and approval.

Regional staff have reviewed the “*Updated Arborist Report*”, prepared by Davey Resource Group (dated March 17, 2021) and have confirmed that its contents sufficiently includes the required environmental details. Further, Draft Agreement Section 24.6 “Tree Plantings” includes language to support the implementation of the Tree Saving Plan. As such, Condition 54 can be **cleared**.

Condition 55

Condition 55 requires that the Subdivision Agreement between the Developer and the City of Thorold contain the following warning clause with regards to surrounding industrial land uses that states, “*The lands in the plan of subdivision may be exposed to noise, reduced air quality, odour or dust etc. from the nearby industrial lands that may interfere with some activities of the owners/tenants who occupy these lands.*”

Regional staff notes that the inclusion of this warning clause has been incorporated into Condition 55 of the Draft Subdivision Agreement and adequately addresses the Region’s requirements as it relates to surrounding industrial uses for this subdivision. As such, Condition 55 can be **cleared**.

Conditions 56 and 57

Conditions 56 and 57 requires that the developer submit an updated Noise and Vibration Impact Study prepared by a qualified engineer in accordance with the Environmental Noise Guidelines (NPC-300) and implement the mitigation measures identified within the study.

Regional staff has reviewed the “*Environmental Noise Assessment Ver. 2*” (dated January 25, 2021) prepared by SDK Environmental, originally Peer Reviewed by Jade

Acoustic's Inc. (dated April 20, 2020). The updated Environmental Noise Assessment recommends that an acoustic barrier be constructed to mitigate noise from the adjacent active rail line and that dwellings be designed with a provision for the installation of central air conditioning in the future, at the applicants discretion. It also recommends warning clauses in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease regarding noise emitted from the operation of the rail line, as well as to notify of the potential concern of adverse impacts from the nearby TSP Canada Towers facility should it become operational again.

Additionally, Regional staff have reviewed the "*Railway Vibration Mitigation*" document prepared by Valcoustics Canada Ltd. (dated August 5, 2021). The document concludes that based on existing railway conditions (i.e., slow moving trains on a continuously welded rail) that it is not anticipated that the majority of the proposed units within the subdivision will experience adverse impacts from its operations. However, as a proactive measure, the document recommends the introduction of vibration mitigation into the foundation design of the first row of proposed dwellings (units 18-22) involving vibration isolation material between the soil and the footings and foundation walls. These measures are supported as a precautionary measure for the indeterminate and undefined potential increase in railway activity in the future.

Regional staff accept the findings and recommendations of the Environmental Noise Assessment Ver. 2 and Railway Vibration Mitigation documents. Further, staff notes that language has been incorporated into Condition 57 of the Draft Subdivision Agreement that adequately addresses the requirement for the developer to implement recommended mitigation measures of the studies. As such, Conditions 56 and 57 can be **cleared**.

Conditions 58 and 59

Conditions 58 and 59 requires that the Developer submit a copy of the Ministry of Tourism, Culture and Sport ("MTCS") acknowledgement letter for the completed archaeological assessment, and that an archaeological resource warning clause is included within the Subdivision Agreement regarding the potential discovery of deeply buried archaeological resources and human remains.

Regional staff have received an acknowledgement letter (dated August 9, 2019) from the MTCS with respect to the completed "*2019 Stage 1-2 Archaeological Assessment of Part Lot 71, Thorold*" for the subdivision. Staff further notes that an archaeological resource warning clause has been incorporated into Condition 59 of the Draft Subdivision Agreement and adequately addresses the Region's requirements as it relates to the potential discovery of archaeological resources. As such, Conditions 58 and 59 can be **cleared**.

Condition 60

Condition 60 requires that the owner submit a written undertaking to Niagara Region that draft approval of this subdivision does not include a commitment of servicing allocation by the Region, as this servicing allocation will be assigned at the time of

registration and any pre-servicing will be at the sole risk and responsibility of the Developer.

Regional staff notes that the Region has received a written undertaking (dated October 5, 2020) signed by Michael Colosimo. As such, Condition 60 can be **cleared**.

Condition 61

Condition 61 requires that the owner submit a written undertaking to Niagara Region that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this Draft Plan of Subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the City.

Regional staff notes that the Region has received a written undertaking (dated October 05, 2020) signed by Michael Colosimo. As such, Condition 61 can be **cleared**.

Condition 62

Condition 62 requires that prior to final approval for registration of this Draft Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary drainage systems required to service this development and obtain Ministry of Environment, Conservation and Parks (“MECP”) – Environmental Compliance Approval (“ECA”) under the Transfer of Review Program.

Regional staff has received design drawings for the development and have been provided with the Ministry ECA approval (No. 7548-C2HGY2), dated April 30, 2021. As such, Condition 62 can be **cleared**.

Condition 63

Condition 63 requires that prior to approval of the final plan or any on-site grading, the Developer shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of Environment and Climate Change documents entitled Stormwater Management Practices Planning & Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval.

Regional staff has reviewed the submitted “*Stormwater Management Design Brief*” prepared by Hallex Engineering Ltd. (dated November 12, 2020), as well as the provided Servicing / Grading Plans and Erosion / Sediment Control Plans and offer no objection to the contents. Further, Regional staff have been provided with the Ministry ECA approval (No. 7548-C2HGY2), dated April 30, 2021 for an oil / grit separator. As such, Condition 63 can be **cleared**.

Condition 64

Condition 64 requires that the owner ensure that all streets and development blocks can provide an access in accordance with the Region's Corporate Waste Collection Policy and By-laws relating to the curbside waste collection.

Regional staff notes that sufficient access for waste collection is provided within the draft plans. As such, Condition 64 can be **cleared**.

Conclusion

Regional Draft Subdivision Agreement Conditions 54-64 inclusive have been satisfied and cleared. Therefore, Regional Planning and Development Services staff has no objection to final approval and registration of the subject Draft Plan of Subdivision. Please send a copy of the registered Subdivision Agreement and plan for our files.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner, Niagara Region

cc: Susan Dunsmore, Manager, Development Engineering, Niagara Region
Matteo Ramundo, Development Approvals Technician, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region