



SPECIAL COUNCIL MEETING, JUNE 12, 2001

**TO HOLD PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT
AND TO CONSIDER OTHER BUSINESS AS ITEMIZED AND DESCRIBED
IN THE SPECIAL COUNCIL MEETING AGENDA**

**CITY HALL, COUNCIL CHAMBERS
411 EAST MAIN STREET**

Council met in open session at 7:10 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

The open meeting commenced with the playing of the National Anthem.

Members Present: Councillors D. Beaudoin, M. Belcastro, N. Dmytrow-Bilboe, M. Dzugan, T. Eybel,
D. Fortier, D. Grenier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora.

Members of the Staff and Others Present:

Chief Administrative Officer V. Kerschl
City Clerk C.A. Stirtzinger
City Solicitor G. Banks
Environmental Services Engineer D. Cook
Director of Development Services T. Fitzpatrick
Fire Chief P. Olah
Director of Operational Services G. Marcello
Community Services Director I. Smith
Acting City Treasurer B. Silvestri
Assistant Clerk D. Vettori
Engineering Services Co-ordinator L. Ventresca

Others Present:

Traffic Consultant N. Palombo of Delcan was present to discuss the Central West Traffic Study.

THE FOLLOWING COMMUNICATIONS WERE RECEIVED:

- 95-175** Solicitor George C.M. Banks' paper on Municipal Government and Democracy Under Attack.
- 99-99** Welland Recreational Canal Lands Interim Board of Management request for direction re funding of Playground equipment on Canal lands.
- 01-42** Report from Director of Development Services T. Fitzpatrick regarding application for Draft Plan approval of Subdivision - Gillmora Estates - North Side of Webber Road, East side of Unopened Clare Avenue.
- 01-42Z** A By-law to amend City of Welland Zoning By-law 2667 for Gillmora Estates Subdivision.
- 01-42**
- 01-43**
- 01-44** Possible amendments to draft approval of Welland River Estates Subdivision (to comply with approval of Gillmora Estates and Harvest Estates Subdivision).
- 01-43** Report from Director of Development Services T. Fitzpatrick regarding application for Draft Plan approval of Subdivision - Harvest Estates - North Side of Colbeck Drive, East side of Webber Road.
- 01-43Z** A By-law to amend City of Welland Zoning By-law 2667 for Harvest Estates Subdivision .

PUBLIC HEARING PURSUANT TO THE PLANNING ACT

Councillor Mastroianni presided as Chair of the Public Hearing.

01-115ZAn Application has been made by P. DOUGLAS REITSMA SURVEYING LTD. on behalf of CONSEIL SCOLAIRE DE DISTRICT CATHOLIQUE CENTRE-SUD to rezone Part of Lot 258, former Township of Thorold, now City of Welland for lands at 380 Clare Avenue from the existing R1 - Single-Detached Dwelling - First Density Zone By-law 2667 to a Site Specific R1 Zone By-law 2667. The purpose of the Amendment is to permit Part 1 to be used as a parking lot for the adjacent lands to the west (Faith Tabernacle). There is no Official Plan coverage.

Councillor Mastroianni outlined the procedures of the Public Hearings as required by the Planning Act. T. Fitzpatrick confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

In support of the application:

- D. Reitsma, agent on behalf of the applicant.

In opposition to the application:

- No one spoke to the application.

99-133Z An application has been made by PHIL FISHER & ASSOCIATES LTD. on behalf of PAT MAMMOLITI to rezone Part of Lot 11, Concession 5, former Township of Crowland, now City of Welland (Part 21 on Plan 59R-7377) for lands on the west side of unopened Matthews Road, north of Buchner Road from the existing RA - Rural Agricultural By-law 1538 to a Site Specific - RA By-law 1538. The purpose of the Amendment is to permit a minimum lot area of 0.4 hectares instead of the required 1.2 hectares. The Official Plan designation is AGRICULTURAL (A).

Councillor Mastroianni outlined the procedures of the Public Hearings as required by the Planning Act. T. Fitzpatrick confirmed that the statutory requirements for public hearing had been met, summarized the purpose of the hearing and reviewed the Planning Division Report.

The following people spoke to the application:

In support of the application:

- Phil Fisher, agent on behalf of the applicant.

In opposition to the application:

- No one spoke to the application.

There being no other submissions the hearing was concluded. The Mayor then resumed the Chair.

At 9:15 p.m., the Council Meeting was recessed to address the General Committee Reports pertaining to the Council Public Hearings. Council reconvened at 9:25 p.m.

95-175 Moved by Dmytrow-Bilboe and Irvine that Welland City Council approves and endorses the City Solicitor's Report on the subject of Municipal Government and Democracy under Attack; and respectfully urges its consideration for endorsement at the Annual Conference of the Association of Municipalities of Ontario.

CARRIED

01-42

01-42Z

Moved by Spadafora and Beaudoin

(i) That the City of Welland hereby grants Draft Approval to the Gillmora Estates Subdivision (File 26T-14-20002) developed by Gillmora Corporation Limited being composed of Part of Lot 257, former Township of Thorold, now in the City of Welland based upon a Plan prepared by Upper Canada Consultants dated February 5, 2001 containing eight-four (84) single-detached residential lots, two (2) Blocks for future residential development in conjunction with adjoining lands, one (1) Block for floodplain/environmental protection purposes, one (1) Block (85) for storm water management, two (2) Blocks for walkway purposes and fifteen (15) Blocks for 0.3 metre reserves, as red-lined by the City of Welland subject to the following Conditions:

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01-42

01-42Z...Cont'd.

- a) that the Owner, together with the Owners of the Harvest Estates Subdivision and Welland River Estates Subdivision, enter into a joint Master Development Agreement with the City of Welland to ensure that a proper phasing program is put in place with respect to joint servicing issues;
- b) that the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
- c) that no grading or construction work shall commence on the site until such time as the Master Development Agreement has been finalized, a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
- d) that all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
- e) that 0.3 metre reserves be deeded to the City of Welland free and clear of all encumbrances being Blocks 94 through 106 inclusive;
- f) that the Owner shall transfer Blocks 87 and 107 being 3.0 metre walkways, together with required improvements, to the City of Welland free and clear of all encumbrances;
- g) that the Owner shall transfer Block 86 to the City of Welland, free and clear of all encumbrances, for storm water and floodplain purposes;
- h) that the Owner shall transfer Block 85 to the City of Welland, free and clear of all encumbrances for storm water management purposes only after the Owner has constructed the required Storm Water Management Facility and all development within the Harvest Estates and Gillmora Estates Subdivision requiring use of such facility has been built out. The Owner shall provide a one (1) year maintenance period after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
- i) that the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City Policy;
- j) that a closed board decorative fence be erected, at the expense of the Owner, along the rear (southerly) lot lines of Lots 81 through 84 inclusive and Blocks 88 and 89 where they abut Webber Road;
- k) that the Owner be required to construct a concrete sidewalk, to City Standards, along both sides of the Endicott Terrace extension within the Plan, along the east side of Clare Avenue and along the south side of Lynbrook Lane;
- l) that Block 89 on Clare Avenue merge in Title with Lot 82 of the adjacent Harvest Estates Plan and Block 88 merge in Title with Block 117 of the adjacent Harvest Estates Plan;
- m) that the Owner shall construct Clare Avenue from its southerly terminus to a new intersection with Webber Road to a full urban cross section. The ultimate cost to the Owner will be 50% of the final construction costs minus Development Charges contributions from the City with the remainder to be collected, at a future date, from the Owners of lands lying on the west side of Clare Avenue adjacent to the new roadway upon development of those lands;
- n) the cost of the extension of the Aquador Trunk Storm Sewer south of Endicott Terrace to south of the rear lot lines of Street "B" shall be shared equally by the Owners of the Harvest Estates and Gillmora Estates Subdivisions. The sewer extension shall be relocated/located to the west or east sides of the City-owned lands to ensure that two (2) residential lots can be created on either side of Street "B";
- o) the City will pay for the cost of servicing the lots noted in "n" above;
- p) that the City will dedicate those portions of City-owned lands required for road purposes (. e.g Street "B") all at the cost of the Owners of Gillmora Estates;
- q) that any required Environmental Assessment process be initiated for the development of Clare Avenue south of Lynbrook Lane;
- r) that an Environmental Impact Study be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the Niagara Peninsula Conservation Authority (NPCA) for review and approval;

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01-42**01-42Z...Cont'd.**

- s) that all lands located within the floodplain and any setback to protect Natural Heritage features and functions, including fish habitat, as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
- t) that detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the NPCA for review and approval;
- u) that detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the NPCA for review and approval;
- v) that a Stormwater Management Plan be prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the NPCA for review and approval;
- w) that Permit approval be obtained from the NPCA for any proposed balanced cut and fill measures, and
- x) that the Owner agrees in the executed Subdivision Agreement to:
 - (i) include all lands located within the floodplain and any setback to protect fish habitat as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
 - (ii) implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan and environmental impact assessment as noted in Conditions r to v above;
 - (iii) not place or dump material of any kind, whether originating on-site or off-site in the Draper's Creek Floodplain, unless a Work Permit from the NPCA has been issued;
 - (iv) obtain proper Permit approvals for any balanced cut and fill measures as noted on Condition w above;
 - (v) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the floodplain of Draper's Creek; and
 - (vi) re-vegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
- y) that the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- z) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a Clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- aa) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system should be sized to accommodate a possible future storm sewer on Webber Road;
- bb) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: The design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;

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01-42

01-42Z...Cont'd.

- cc) that the geometric design of the intersection of Street "E" with Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review and approval;
- dd) that the lot grading plan for those lots backing onto Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review;
- ee) that the 0.3 metre reserves shown as Blocks 92 and 93 on the Draft Plan dated February 5, 2001 and the day-lighting triangles shown as Blocks 90 and 91 be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
- ff) that prior to Approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed stormwater management plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices, Planning and Design Manual June 1994 as revised, and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved stormwater management plan;
- gg) that prior to Approval of the Final Plan, the Owner submit to the Regional Planning Department a Phase I Environmental Site Assessment prepared by a qualified Consultant to demonstrate that the property does not contain any hazardous materials. Furthermore, that the Owner agree in the Subdivision Agreement to implement the recommendations of the Environmental Site Assessment including additional studies and mitigation of hazardous material that might be found. Should it be determined that soil analysis and mitigation are required, both the City of Welland and the Regional Planning Department should be in possession of a Ministry of the Environment acknowledged Record of Site Condition (RSC) indicating that the site is suitable for residential use prior to Final Approval;
- hh) that prior to any disturbance of the site or Approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval an Environmental Impact Study (EIS) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
- ii) that the Owner carry out an Archaeological Assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Tourism, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- jj) that prior to the granting of Approval of the Final Plan, the City of Welland Development Services Department will require **written notice** from the following upon their respective Conditions having been met satisfactorily:
 - Regional Niagara Planning for Conditions y, z, ff - ii;
 - Regional Niagara Public Works for Conditions aa - ee;
 - Niagara Peninsula Conservation Authority for Conditions r - x, ff, hh;
 - Ministry of the Environment for Condition bb;
 - Ministry of Tourism, Culture and Recreation for Condition ii;
- kk) that if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;

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01-42

01-42Z...Cont'd.

- 2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Gillmora Estates Subdivision once all Conditions have been satisfied;
- 3. That City of Welland Zoning By-law 2667 be amended for lands on the north side of Webber Road, east of the Clare Avenue road allowance (part of Lot 257, former Township of Thorold, now in the City of Welland) from the existing RA to R3 for the residential lots, Environmental Protection Zone for Blocks 85 and 86.

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01-42

01-42Z Moved by O'Dell and Irvine that Resolution 01-42/01-42Z (re Gillmora Estates Subdivision) be amended to terminate Clare Avenue north of the north leg of Draper's Creek and to delete Street "C".

LOST

YEAS: Councillors O'Dell, Dmytrow-Bilboe, Irvine, and Grenier.

NAYS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Belcastro, Spadafora, and Mayor Forster

01-42/01-42Z Moved by O'Dell and Grenier that Resolutions 01-42/01-42Z (Gillmora Estates Subdivision), **01-43/01-43Z** 01-43/01-43Z (Harvest Estates Subdivision), and **01-44/01-44Z** (Welland River Estates) be amended to remove Condition (i) in each report, re Cash-in-Lieu of Parkland Dedication.

LOST

FOLLOWING THE LOST VOTES ON THE AMENDMENTS TO THE MAIN MOTION, THE MAIN MOTION WAS PUT IN ITS ORIGINAL FORM AND

CARRIED

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Belcastro, Spadafora, and Mayor Forster.

NAYS: Councillors O'Dell, Irvine, and Grenier.

01-42

01-43 Moved by Spadafora and Beaudoin that Report DSD-2001-55 be received for information and that the Gillmora and Harvest Subdivisions be approved as recommended in Reports DSD-2001-42 and DSD-2001-43.

CARRIED

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Belcastro, Spadafora, and Mayor Forster.

NAYS: Councillors O'Dell, Irvine, and Grenier.

01-43**01-43Z**

Moved by Spadafora and Beaudoin

1. That the City of Welland hereby grants Draft Approval to the Harvest Estates Subdivision (File 26T-14-20003) developed by Harvest Investment Corp. being composed of part of Lots 256 and 257, former Township of Thorold, now in the City of Welland based upon a Plan prepared by Upper Canada Consultants dated February 5, 2001 containing one hundred fifteen (115) single-detached residential lots, two (2) Blocks for future residential development in conjunction with adjoining lands, one (1) Block for floodplain/environmental protection purposes (floodplain) one (1) Block for walkway access purposes and ten (10) Blocks for 0.3 metre reserves, as red-lined by the City of Welland subject to the following conditions:
 - a) that the Owner, together with the Owners of the Gillmora Estates Subdivision and Welland River Estates Subdivision, enter into a joint Master Development Agreement with the City of Welland to ensure that a proper phasing program is put into place with respect to joint servicing issues;
 - b) that the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
 - c) that no grading or construction work shall commence on the site until such time as the Master Development Agreement has been finalized, a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
 - d) that any necessary Easements required for utility and servicing purposes be granted to the appropriate authority free of all encumbrances;
 - e) that 0.3 metre reserves be deeded to the City of Welland free and clear of all encumbrances being Blocks 119, 121 through 125 inclusive and Blocks 128, 129 and 130;
 - f) that the City of Welland dedicate Lot 91, Plan NS-14 being a 0.3 metre reserve as part of a roadway;
 - g) that the Owner shall transfer Block 127 being a 3 metre walkway together with required improvements to the City of Welland free and clear of all encumbrances;
 - h) that the Owner shall transfer Block 118 to the City of Welland, free and clear of all encumbrances for storm water and floodplain purposes;
 - i) that the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
 - j) that a closed board decorative fence be erected, at the expense of the Owner, along the rear (southerly) lot lines of Lots 82 through 86 inclusive and Block 116 where they abut Webber Road;
 - k) that the Owner be required to construct a concrete sidewalk, to City Standards, along the north side of Colbeck Drive across the entire frontage of the subject lands;
 - l) that Lot 82 merge in Title with Block 89 of the Gillmora Estates Plan and Block 117 merge in Title with Block 88 of the Gillmora Estates Plan;
 - m) that the Owner shall be responsible for one-half of the cost of the reconstruction of Colbeck Drive to an urban cross section roadway including the new cul-de-sac;
 - n) that the cost of the extension of the Aquador Trunk Storm Sewer south of Endicott Terrace to the south of the rear lot lines of Street "D" shall be shared equally by the Owners of the Harvest Estates and Gillmora Estates Subdivisions. The sewer extension shall be relocated/located to the west or east sides of the City-owned lands to ensure that two (2) residential lots can be created on either side of Street "D";
 - o) that the City pay for the cost of servicing the lots noted in "n" above;
 - p) that Block 126 form part of the street network for the Harvest Estates Subdivision, be named as part of Colbeck Drive and be dedicated to the City;
 - q) that an Environmental Impact Study be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the Niagara Peninsula Conservation Authority (NPCA) for review and approval;
 - r) that all lands located within the floodplain and any setback to protect Natural Heritage features and functions, including fish habitat, as recommended in the EIS be included within an Environmental Protection Zone where no structural development is permitted;
 - s) that detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the NPCA for review and approval;

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01-43**01-43Z...Cont'd.**

- t) that detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the NPCA for review and approval;
- u) that a Stormwater Management Plan, prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the Authority for review and approval;
- v) that Permit approval be obtained from the NPCA for any proposed balanced cut and fill measures, and
- w) that the Owner agrees in the executed Subdivision Agreement to:
 - (i) include all lands located within the floodplain and any setback to protect fish habitat as recommended in the EIS be included within the Environmental Protection Zone where no structural development is permitted;
 - (ii) implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan and Environmental Impact Study as noted in Conditions q to u above;
 - (iii) not place or dump material of any kind, whether originating on-site or off-site in the Draper's Creek Floodplain, unless a Work Permit from the NPCA has been issued;
 - (iv) obtain proper Permit approvals for any balanced cut and fill measures as noted on Condition v above;
 - (v) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the floodplain of Draper's Creek; and
 - (vi) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
- x) that the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- y) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a Clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- z) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system should be sized to accommodate a possible future storm sewer on Webber Road;
- aa) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: The design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- bb) that the lot grading plan for those lots backing onto Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review;
- cc) that the 0.3 metre reserve shown as Block 120 across Block 116 and Lots 82 to 86 inclusive on the Draft Plan dated February 5, 2001 be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;

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01-43

01-43Z...Cont'd.

- dd) that prior to Approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed stormwater management plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices, Planning and Design Manual June 1994 as revised, and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved stormwater management plan;
- ee) that prior to Approval of the Final Plan, the Owner submit to the Regional Planning Department a Phase I Environmental Site Assessment prepared by a qualified Consultant to demonstrate that the property does not contain any hazardous materials. Furthermore, that the Owner agree in the Subdivision Agreement to implement the recommendations of the Environmental Site Assessment including additional studies and mitigation of hazardous material that might be found. Should it be determined that soil analysis and mitigation are required, both the City of Welland and the Regional Planning Department should be in possession of a Ministry of the Environment acknowledged Record of Site Condition (RSC) indicating that the site is suitable for residential use prior to Final Approval;
- ff) that prior to any disturbance of the site or Approval of the Final Plan, the Owner submit to the City, the Regional Planning Department and the NPCA for review and approval an Environmental Impact Study (EIS) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
- gg) that the Owner carry out an Archaeological Assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Tourism, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
- hh) that prior to the granting of Approval of the Final Plan, the City of Welland Development Services Department will require **written notice**, from the following upon the respective written notice Conditions having been met satisfactorily;
- Regional Niagara Planning for Conditions x, y, dd, ee, ff, gg;
 - Regional Niagara Public Works for Conditions z, aa, bb, cc;
 - Niagara Peninsula Conservation Authority for Conditions q - w, dd, ff;
 - Ministry of the Environment for Condition ee;
 - Ministry of Tourism, Culture and Recreation for Condition gg;
- ii) that if Final Approval is not given to the Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Harvest Estates Subdivision once all Conditions have been satisfied;
 3. That Colbeck Drive north of Webber Road be stopped-up, closed and offered for sale to the abutting Owners (Harvest Estates and Welland River Estates) in accordance with the Municipal Act, to be used for residential purposes;
 4. That City of Welland Zoning By-law 2667 be amended for lands on the north side of Colbeck Drive, north of Webber Road (part of Lots 256 and 257, former Township of Thorold, now in the City of Welland) from the existing RA to R3 for the residential lots and EP- Environmental Protection Zone for Block 118.

CARRIED

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Belcastro, Spadafora, and Mayor Forster.

NAYS: Councillors O'Dell, Irvine, and Grenier.

01-44**01-44Z**

Moved by Spadafora and Beaudoin that Council rescind its motion passed June 5th, 2001 which granted Draft Plan Approval as amended to the Welland River Estates Subdivision (File 26T-14-20004) and replace it with the following:

1. That the City of Welland hereby grants Draft Approval to the Welland River Estates Subdivision (File 26T-14-20004) developed by 1372708 Ontario Inc. being composed of Part of Lots 255, 256, 256 Broken Front and part of the road allowance between Lots 255 and 256 and between Lots 256 and Lot 256 Broken Front, part of Blocks A and B, Plan 648, former Township of Thorold now in the City of Welland based upon a Plan prepared by Suda & Maleszyk Surveying Inc. (File 2000-148) dated March 12, 2001, containing seventeen (17) single-detached residential lots, one (1) Block for future residential development and two (2) Blocks for 0.3 metre reserves as red-lined by the City of Welland subject to the following Conditions:
 - a) that the Owner, together with the Owners of the Harvest Estates and Gillmora Estates Subdivision, enter into a joint Master Development Agreement with the City of Welland to ensure that a proper phasing program is put in place with respect to joint servicing issues;
 - b) that the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
 - c) that no grading or construction work shall commence on the site until such time as the Master Development Agreement has been finalized, a Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
 - d) that all necessary Easements required for utility and servicing purposes be granted to the appropriate authority free of all encumbrances;
 - e) that Block 20 being a 0.3 metre reserve be deeded to the City of Welland free and clear of all encumbrances;
 - f) that the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
 - g) that a closed board decorative fence be erected, at the expense of the Owner, along the southerly property boundary adjacent to Webber Road;
 - h) that the Owner be required to construct a concrete sidewalk, to City Standards, along the south side of Colbeck Drive from the easterly limit of the subject lands to the beginning of the bulb in the proposed cul-de-sac;
 - i) that the Owner shall be responsible for one-half of the cost of the reconstruction of Colbeck Drive to an urban cross section roadway including the cul-de-sac;
 - j) that a detailed geotechnical investigation, as completed by a qualified Soils Engineer, be required to be undertaken to examine the potential for deep seated failures and overall slope stability problems over the long term;
 - k) that all lands located below the surveyed table top of the slope of the Welland River and the lands within the 7.5 metre setback from the surveyed stable top of slope be included with an Environmental Protection Zone where no structural development (e.g. sheds, gazebos, swimming pools) is permitted;
 - l) that detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Niagara Peninsula Conservation Authority (NPCA) for review and approval. The lot grading and drainage plans will indicate that the Welland River valley slope will be maintained in its natural state and that the surface drainage will be directed away from the valley slope and towards Colbeck Drive;
 - m) that detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the NPCA for review and approval;
 - n) that an Environmental Impact Study be prepared for the site which addresses the fish habitat requirements of the Provincial Policy Statement and that the Report be submitted to the NPCA for review and approval;

...Continued...

01-44**01-44Z...Cont'd.**

- o) that a Stormwater Management Plan be prepared by a qualified Professional Engineer in compliance with the Ministry of Environment and Energy's "Stormwater Management Practices Planning and Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May 1991, be submitted to the NPCA for review and approval; and
- p) that the Owner agrees in the executed Subdivision Agreement to:
 - i) include all lands located below the surveyed stable top of the slope of the Welland River and the lands within the 7.5 metre setback from the surveyed stable top of slope be included with an Environmental Protection Zone where no structural development (e.g. sheds, gazebos, swimming pools) is permitted;
 - ii) implement the recommendations of the Geotechnical Report as noted in Condition j above;
 - iii) implement the lot grading and drainage plans, sedimentation and erosion control plans, stormwater management plan and environmental impact assessment as noted in Conditions k to n above;
 - iv) maintain a 7.5 metre setback from the surveyed stable top of bank of the Welland River for all structural development on Lots 1 to 18, inclusive;
 - v) not place or dump material of any kind, whether originating on-site or off-site on the Welland River valley slope, and to maintain the natural grade of this valley slope, and
 - vi) during the construction phase, erect and maintain a sediment control fence 3.0 metres from the top of the stable slope of the Welland River; and
 - vii) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction;
 - viii) that the Owner agrees to provide notice in all Offers of Purchase and Sale for Lots 1 to 18, inclusive indicating that any fill placement on these lots and/or recreational uses (e.g docks) in the floodplain will require approval from the NPCA under provision of the Fill, Construction and Alteration to Waterways Regulation;
- q) that the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- r) that immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- s) that the detailed design drawings for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system should be sized to accommodate a possible future storm sewer on Webber Road;
- t) that the Ministry of the Environment Certificates of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- u) that the lot grading plan for Lot 18 that backs onto Regional Road 29 (Webber Road) be submitted to the Regional Public Works Department for its review;

...Continued...

01-44

01-44Z...Cont'd.

- v) that a one-foot reserve along the flankage of Lot 18 with Regional Road 29 (Webber Road) (Block 19) be deeded to the Regional Municipality of Niagara free and clear of any mortgages, liens and encumbrances;
 - w) that prior to Approval of the Final Plan, the Owner submit to the Niagara Peninsula Conservation Authority and the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Practices, Planning and Design Manual June 1994 as revised, and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;
 - x) that the Owner agree in the Subdivision Agreement to conduct soil analyses of the former roadbed on Lots 1 to 3 and to mitigate any hazardous material that might be found. The results of the soil analyses are to be submitted to the Regional Planning Department. Should it be determined that mitigation is required, both the City of Welland and the Regional Planning Department should be in possession of a Ministry of the Environment acknowledged Record of Site Condition (RSC) indicating that the site is suitable for residential use prior to the issuance of any Building Permits for the affected lots. If any mitigation that might be required should occur before the archaeological assessment, a qualified Archaeologist should be present on site during the work. Furthermore, that the Owner agree in the Subdivision Agreement to remove any domestic refuse dumped on the site and to rehabilitate the affected areas so that the ecological functions are not impaired;
 - y) that prior to any disturbance of the site or Approval of the Final Plan, the Owner submit to the Regional Planning Department and the Niagara Peninsula Conservation Authority for review and approval a revised Environmental Impact Study (EIS) prepared by a qualified Consultant. Further, that the Owner agree to implement the recommendations of the Environmental Impact Study through the Subdivision Agreement, a Zoning By-law Amendment and/or other measures that might be recommended;
 - z) that the Owner carry out an Archaeological Assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to Regional Planning Department and the Ministry of Tourism, Culture and Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
 - aa) that prior to the granting of Approval for the Final Plan, the City of Welland Development Services Department will require **written notice** from the following upon their respective Conditions having been met satisfactorily;
 - Regional Niagara Planning for Conditions q, r, w - z;
 - Regional Niagara Public Works for Conditions s - v;
 - Niagara Peninsula Conservation Authority for Conditions j - p, w, y;
 - Ministry of the Environment for Condition t;
 - Ministry of Tourism, Culture and Recreation for Condition z;
 - bb) that if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
2. That the Mayor be authorized to sign Draft Approval and Final Approval Plans for the Welland River Estates Subdivision once all Conditions have been satisfied;
 3. That Colbeck Drive north of Webber Road be stopped-up, closed and offered for sale to the abutting Owners (Harvest Estates and Welland River Estates) in accordance with the Municipal Act, to be used for residential purposes.

CARRIED

YEAS: Councillors Mastroianni, Dzugan, Fortier, Eybel, Beaudoin, Dmytrow-Bilboe, Belcastro, Spadafora, and Mayor Forster.

NAYS: Councillors O'Dell, Irvine, and Grenier.

BY-LAWS

BY-LAWS PRESENTED FOR FIRST READING:

1. Moved by Spadafora and Belcastro that leave now be given to introduce the following proposed By-laws entitled:

01-42Z

BYL 2001-47

A By-law to amend City of Welland Zoning By-law 2667 (Gillmora Corporation Limited - File 2000-13) north side of Webber Road, east of Clare Avenue.

01-43Z

BYL 2001-76

A By-law to amend City of Welland Zoning By-law 2667 (Harvest Investment Corp. - File 2000-14) northwest corner of Webber Road and Colbeck Drive.

And that the same be now read a first time.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to By-law 2001-47.)

BY-LAWS PRESENTED FOR SECOND AND THIRD READING:

2. Moved by Spadafora and Dzugan that the By-laws listed in the foregoing motion for first reading and as reproduced in this Evening's Council Agenda, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk do sign and seal the same.

CARRIED

(Councillor O'Dell asked to be recorded as opposed to By-law 2001-47.)

Council adjourned at 9:50 p.m.

These Minutes approved and adopted by Motion of Council this 19th day of June, 2001.

MAYOR

CLERK

