

MEMORANDUM

DATE: SEPTEMBER 30, 2021

TO: TOWNSHIP OF EDWARDSBURGH CARDINAL – COMMUNITY DEVELOPMENT COMMITTEE OF THE WHOLE

FROM: NOVATECH

RE: DRAFT PLAN OF SUBDIVISION APPLICATION (COUNTY FILE NO. 07-T-10005) – LOCKMASTER’S MEADOWS SUBDIVISION, CARDINAL, ON

This report has been prepared to provide the Committee with background information and planning context in relation to the proposed revised Lockmaster’s Meadows Subdivision in the Village of Cardinal by Edwardsburgh Developments Ltd.

Background

The subject lands, referred to as the Lockmaster’s Meadows Subdivision, are approximately 11.1 ha in land area and are legally described as Part Lot 7, Concession 1 in the Township of Edwardsburgh, now the Township of Edwardsburgh Cardinal. The subject lands are located on the west side of Shanly Road (County Road No. 22) and south of the C.N Railway within the Village of Cardinal. The subject lands are currently undeveloped and are surrounded by rural properties towards the north and west and residential properties to the east and south.

The subject lands have been draft-approved for a 93 lot residential subdivision since 2013. Both in 2016 and 2019, three-year extensions of draft approval to the 2013 draft-approved subdivision were granted by the United Counties of Leeds and Grenville. The subdivision approval from 2013 included a total of 93 lots which were to be developed as single detached dwellings, one block for stormwater management facilities and one lot for parkland purposes (Attachment 1).

In July 2021, a request was submitted to the United Counties of Leeds and Grenville from the applicant to revise the draft plan of subdivision. The submission to the County also included a request to clear certain conditions of draft approval. The application package was received by the Township on August 10, 2021 and included the following documents:

- Cover Letter by David Simpson (Edwardsburgh Development Ltd), dated July 21, 2021
- Revised Draft Plan of Subdivision by AE Advance Engineering, dated July 2021 (Attachment 2) (it is noted that the AE Advance Engineering plan is not a draft plan and should be prepared as a Draft Plan that meets the requirements of the Planning Act, prior to County approval of the proposed revisions)
- Traffic Impact Study by Castleglenn Consultants, dated June 14, 2021
- Rail Noise Assessment by Gradient Wind, dated July 21, 2021

The revised package of supporting materials, noted above, are intended to support the proposed revisions to the draft plan of subdivision.

Project Description of Revised Subdivision Filed in 2021

The proposed draft plan revisions include 2 additional lots to accommodate single detached dwellings. As proposed, the draft plan now includes 95 lots for single detached dwellings, one stormwater/open space block, one block for parkland purposes, one block for a future road, one block for a pumping station, two reserve blocks and four new public streets (Attachment 2). The subdivision is proposed to be accessed by two new street entrances from Shanly Road and is to be developed on the basis of full municipal services.

In comparison to the draft-approved subdivision in 2013, the revised 2021 application maintains the same street configuration and blocks for open space/parkland/reserve purposes. The revised application proposes to increase the residential density through 2 new additional lots for single detached dwellings (Figure 1 and Figure 2). The revised subdivision is proposed to be built in two phases as shown on the draft plan with the first phase including lands south of Street B for a total of 59 residential lots.

In addition to the minor increase in residential lots, the proposed application includes a request to reduce the noise attenuation conditions imposed on the subdivision due to the proximity to the railway. This request includes removing a proposed berm which has been supported by the applicant through a Rail Noise Study prepared by Gradient Wind. The Township has requested that the noise study be peer-reviewed to ensure an appropriate review of the request is undertaken. Further, a Traffic Impact Study was submitted to clear condition #45 associated with the draft approved plan from 2013.

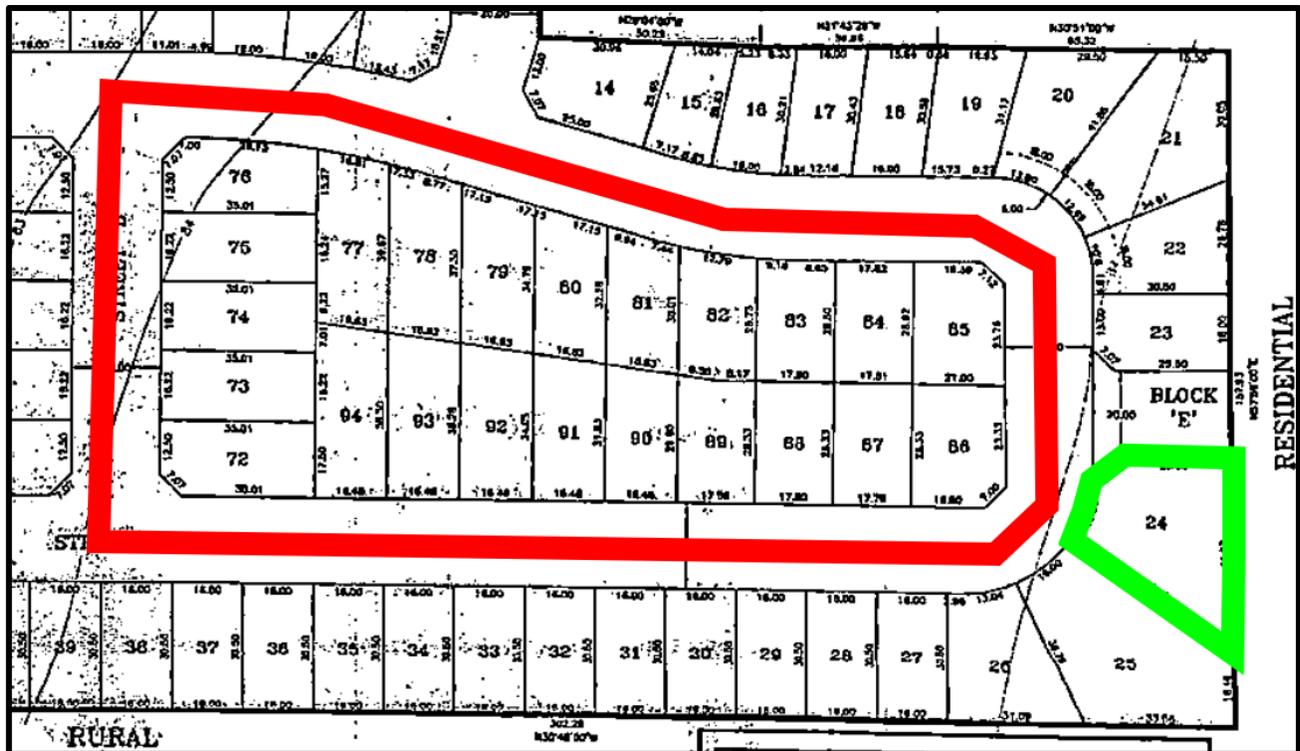


Figure 1: Draft Approved Plan of Subdivision 2013

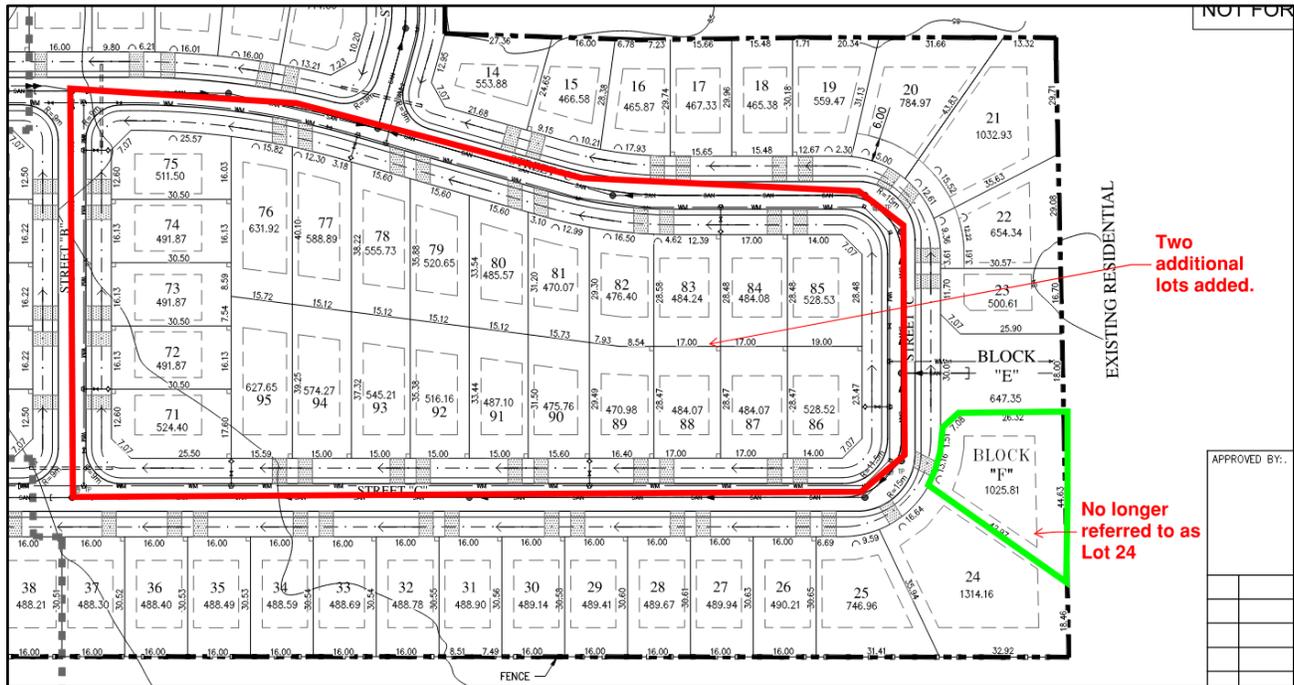


Figure 2: Proposed Draft Plan of Subdivision Revision 2021

In the letter dated August 10, 2021 from the United Counties, a request was made for the Township to review the proposed revisions to the draft subdivision and to provide Township comments to the Counties for their consideration on the application. As the application revisions are considered minor the Counties did not provide a request for the Township to hold a public meeting under the *Planning Act* to consider the proposed changes. The United Counties would have circulated required persons and technical agencies to advise them of the proposed application.

As the Township is a key stakeholder and commenting agency on the proposed draft plan revisions, the Township can recommend support or denial for the proposed changes, or may recommend support with additional or revised conditions. Any changes to the draft approval (i.e. new or revised conditions) is open to appeal by the applicant.

Policy Context

The application was first draft-approved in 2013 and received its most recent extension in 2019. At the time the subdivision would have been reviewed under the Township's previous Official Plan and 2014 Provincial Policy Statement. The application proposes to increase the number of residential lots for single detached dwellings from 93 to 95, representing an increase of two new lots and a proposed net density of 17.8 units per ha (95 units/5.33 ha). The subject lands are designated in the Township's current Official Plan as Settlement Policy Area and are zoned Residential First Density (R1) by the Township's Zoning By-law.

It is a requirement that new development be consistent with policies of the Township's Official Plan. Within the Township's Settlement Policy Area residential development on municipal services is permitted. The Township has established a target that 60% of new development is to occur within settlement areas (Section 3.1.2). It is also a Council objective to provide a range and mix of housing types and densities and neighbourhood facilities within Settlement Areas (Section 3.1.3.1). With

regards to housing, new housing is encouraged to locate in settlement areas and to provide housing to meet projected demographic and market requirements of current and future residents. This can be achieved by providing various housing forms, including providing affordable housing. Section 6.14.3 states that Council shall endeavor to achieve an overall minimum of 25% of new housing to be 'affordable'. The Plan recognizes that the target may not be achieved on a yearly basis and therefore may use a five-year average in meeting this housing target.

It is also a policy to ensure any proposed residential development within 300m of a railway line undertake a noise study to mitigate any adverse effects and ensure development addresses potential land use conflicts (Section 5.3.22 & 5.3.23). Further, Section 5.4 of the Plan requires that development be generally directed to area where municipal water and sewage systems can be reasonably extended and where sufficient reserve capacity can be confirmed for the development.

Section 7.1 provides policy on land division within the Township including plans of subdivision. Within the Township's Settlement Areas, plans of subdivision are encouraged, provided lot configuration is appropriate, lots front onto public internal roads and sufficient servicing capacity is available. Further, among other matters set out in Section 7.1, subdivision design and approvals should account for matters such as future roadway connections and meeting the requirements for the dedication of parkland or cash-in-lieu. It is also a requirement that plans of subdivision meet the requirements of the Township's zoning by-law in effect at the time of registration.

Application Review Comments

Township Planning & Engineering Peer Review

The Township retained Greer Galloway to peer review the Traffic Impact Study and Rail Noise Attenuation Study. Comments from Greer Galloway were provided on September 20, 2021 and request that some revisions be made to the reports (Attachment 3). While there are comments still outstanding with respect to the peer reviews provided by Greer Galloway, the draft-approved subdivision includes conditions related to noise attenuation and traffic which should remain in effect to ensure these comments are adequately addressed. Accordingly, it is recommended that these conditions be carried forward with the proposed draft plan of subdivision revisions. It is understood that from a servicing capacity perspective, there are no concerns with two additional units. With regards to the applicants request to remove of the proposed berm, it is recommended that current draft approved conditions requiring the berm (Condition #30) remain this place. This would provide the Township flexibility in future land uses for Block A as the intent is to transfer this block to the Township as per Condition #4.

It is recommended that a future right-of-way between the subject lands and adjacent lands to the west be provided. A future right-of-way is important when considering future development opportunities and good land use planning from a transportation circulation and emergency services perspective. It is recommended that the applicant explore the feasibility of a future right-of-way block (minimum 20 m wide) to be transferred to the Township at the end of either Street B between Lots 37 & 38 or Street D between Lots 46 & 47. The requirement for a future access block could be included as a new condition of draft approval.

From an Official Plan perspective, the proposed subdivision revision generally conforms to policies of the Official Plan. The revision includes a minor increase in density to increase the housing supply and the lands will be serviced by municipal services. As this is an existing draft-approved plan which is requesting a revision for two additional lots, it is recommended that the standard conditions applied

to the subdivision related to Township interests be carried forward with the subdivision revision approval (Attachment 4).

The subject lands are zoned R1 which permits single dwellings. The applicant will be required to demonstrate prior to final approval of the subdivision that the proposed lot conform for the Township's Zoning By-law that is in effect. This is included as a condition in the current draft approval and is recommended to carry forward with any recommended draft approval.

United Counties of Leeds and Grenville Comments

As part of the Counties review, persons and technical agencies were circulated on the revised application. It is noted that Bell Canada, Hydro One, CN Railway and the Ministry of Environment, Conservation and Parks provided the Counties with comments on the proposed subdivision revisions. Any recommended conditions provided to the Counties for their consideration on the subdivision from these agencies may need to be implemented in a future subdivision agreement.

It is noted that the United Counties has indicated that the Township should consider taking this opportunity to have the developer introduce a greater mix of housing types and densities including affordable housing and alternative housing forms. Given that the requirements for affordable housing and varying housing types was not included as a previous condition of draft approval, the Township now has an opportunity to request that the applicant incorporate affordable housing within the proposed development. It is noted that the introduction of new housing forms to address affordable housing may require further draft plan revisions prior to approval.

Should the Committee recommend that the application provide a range of different housing types, this may trigger the need for a major amendment and a public meeting. Any changes to the development concept may require further updates to the draft plan and supporting documents including servicing and stormwater management. If affordable housing is requested for this proposed subdivision, it is recommended that Township staff discuss the details of providing affordable housing with the applicant prior to proceeding with draft approval of the proposed changes.

Recommendation

The proposed revisions to the draft approved plan of subdivision to increase the number of lots for residential purposes from 93 to 95 lots is generally found to be in conformity with the Township's Official Plan. The proposed development is located within a Settlement Policy Area where full municipal services are available to accommodate the development. The proposed development includes lands for residential and public uses through parklands and open spaces. The additional two lots propose a minor increase in density which is consistent with the goals of the Township for development in Settlement Areas.

Given that there are no servicing capacity concerns with the proposed additional two dwelling units, it is recommended that the Committee recommend approval of the proposed subdivision revision application for 95 dwelling units as presented in the submission dated July 2021. It is noted that the County will likely require that the applicant provide a proper draft plan to meet the requirements of the Planning Act prior to issuing the approval.

Should the Committee recommend approval of the proposed subdivision revision application, standard conditions imposed in the 2013 draft approval are recommended to carry forward as

provided in Attachment 4. A condition requiring an access block to the abutting lands to the west could be added as a condition or added to the revised draft plan.

Sincerely,

NOVATECH



Jordan Jackson, RPP, MCIP
Planner

Attachments:

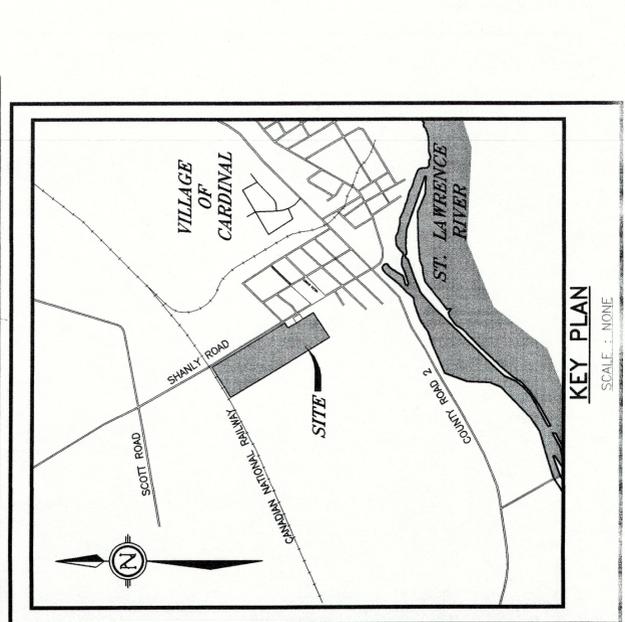
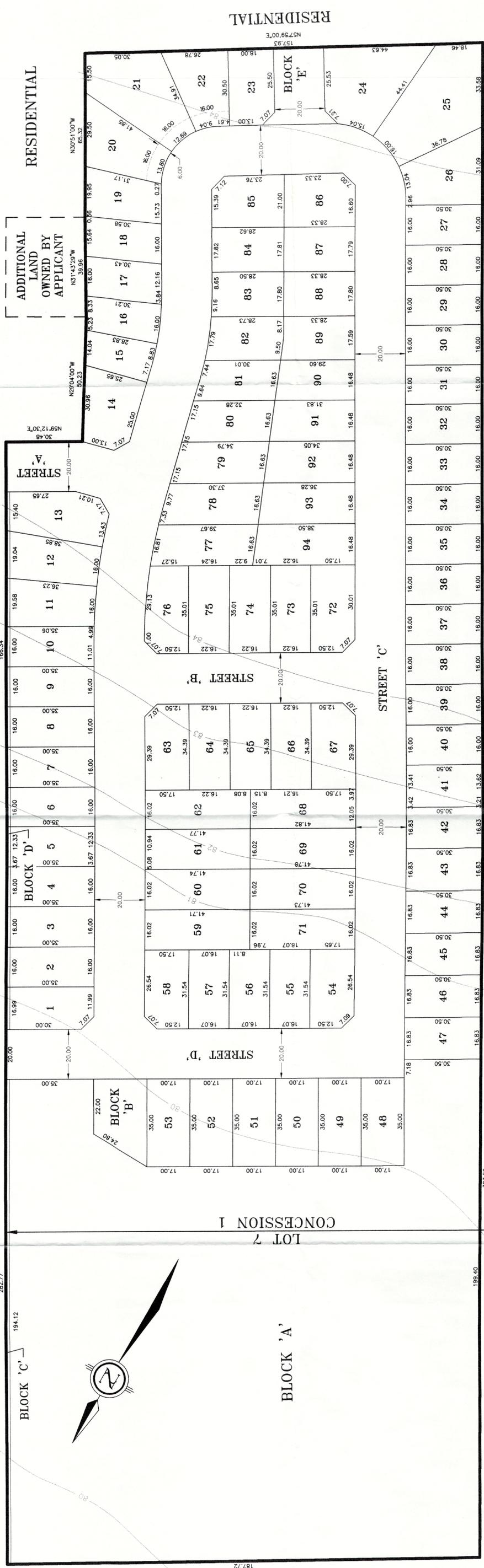
- 1 – Current Draft Approved Plan of Subdivision 2013
- 2 – Revised Draft Plan of Subdivision March 2021
- 3 – Greer Galloway Peer Review Comments
- 4 – 2013 Draft Approved Conditions

Attachment 1
Current Draft Approved Plan of Subdivision 2013

DRAFT PLAN OF SUBDIVISION OF EAST 1/2 OF LOT 7 CONCESSION 1 TOWNSHIP OF EDWARDSBURGH/CARDINAL COUNTY OF GRENVILLE 2011

- ADDITIONAL INFORMATION**
- a. As Shown
 - b. As Shown
 - c. As Shown
 - d. Single Family Residential
 - e. As Shown
 - f. As Shown
 - g. As shown
 - h. Municipal water supply
 - i. Topsoil, sandy silt/silty sand to sand and gravel, and sandy to clayey silt glacial till over limestone bedrock.
 - j. As shown
 - k. Hydro, Water, Sanitary Sewage
 - l. Not applicable

- NOTES:**
1. Block A is open space.
 2. Block B is for a sanitary pumping station.
 3. Block C and D are 0.50m reserves.
 4. Block E is a future road right of way.



SURVEYOR'S CERTIFICATE
I certify that the boundaries of the land to be subdivided and their relationship to adjoining lands are accurately and correctly shown.

Signed: *R.M. Mason*
R.M. Mason
Ontario Land Surveyor

Dated: January 26, 2011



Attachment 2
Revised Draft Plan of Subdivision 2021

PART OF LOT 7, CONCESSION 1
GEOGRAPHIC TOWN OF EDWARDSBURGH
TOWNSHIP OF EDWARDSBURGH/CARDINAL
COUNTY OF GRENVILLE

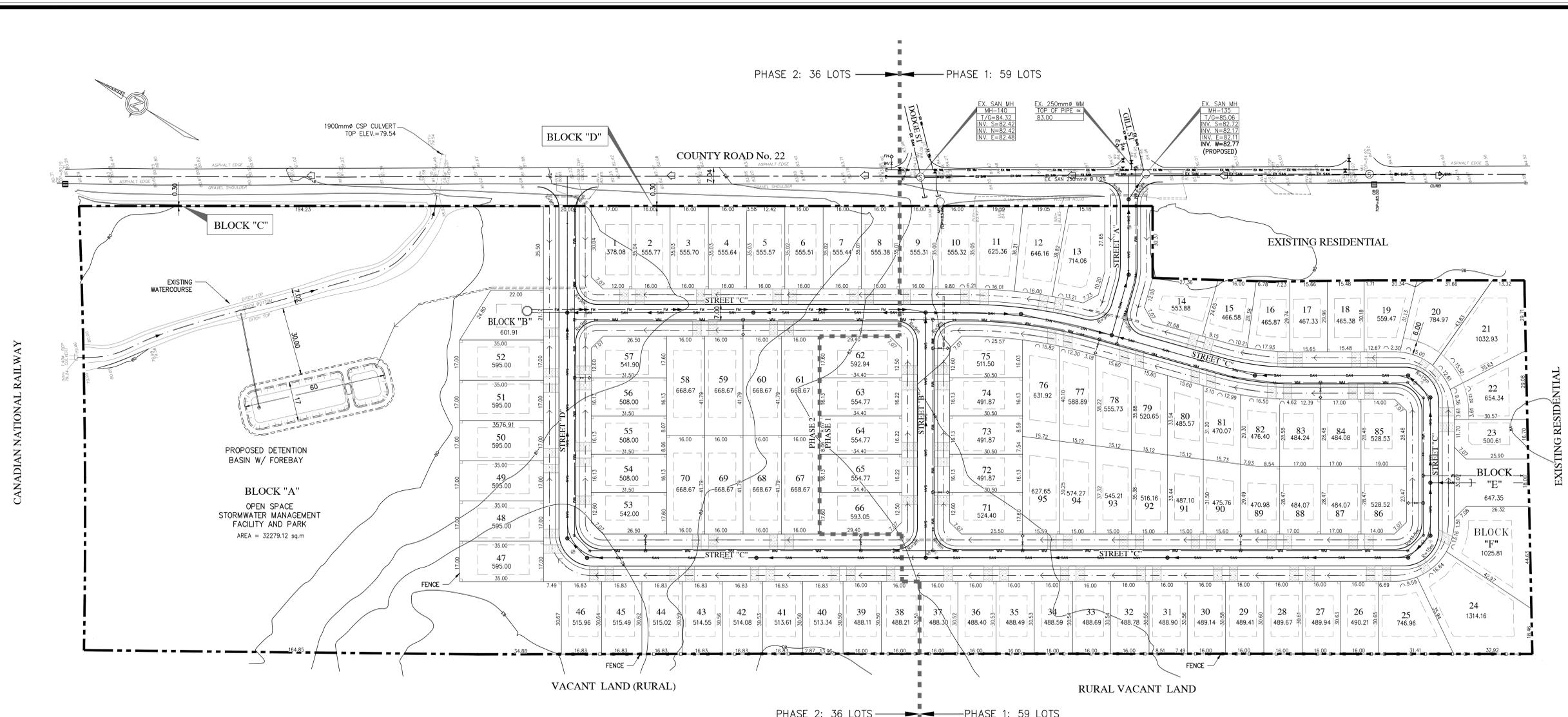
LEGAL INFORMATION
LEGAL INFORMATION PROVIDED BY RON M. JASON O.L.S.
PROJECT REF:09-10-24-1. SURVEY DATED 2015.

TOPOGRAPHIC INFORMATION
TOPOGRAPHIC INFORMATION PROVIDED BY IVAN B. WALLACE O.L.S.
FILE No. A-028727-TOPO. SURVEY DATED APRIL 28, 2021.

ELEVATIONS
ELEVATION SHOWN ON THIS PLAN ARE GEODETIC AND
REFERRED TO THE CANADIAN GEODETIC VERTICAL DATUM
(CGVD28) BY DIRECT MEASUREMENT TO REAL TIME NETWORK.

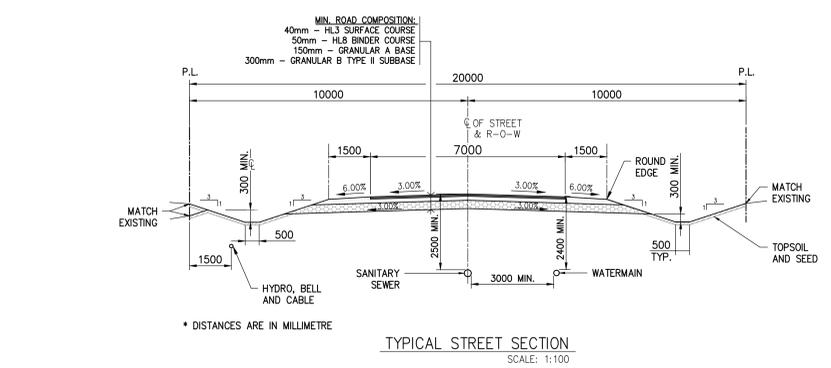
USE AND INTERPRETATION OF DRAWINGS
UNLESS THE REVISION TITLE IS "ISSUED FOR
CONSTRUCTION", THIS DRAWING SHALL BE CONSIDERED
PRELIMINARY AND SHALL NOT BE USED AS A
CONSTRUCTION DOCUMENT.

NOT FOR CONSTRUCTION



CANADIAN NATIONAL RAILWAY

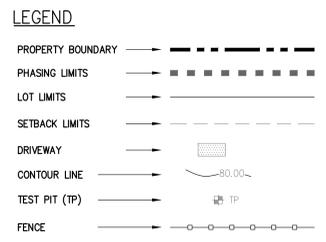
EXISTING RESIDENTIAL



- NOTES**
1. DISTANCES ARE IN MILLIMETRES.
 2. ALL TREES, TELECOMMUNICATION PEDESTALS, FIRE HYDRANTS ARE TO BE LOCATED 0.3m INSIDE ROAD ALLOWANCE.
 3. HYDRO PAD MOUNTED TRANSFORMERS TO BE LOCATED IN A PRIVATE EASEMENT.
 4. SHOULDER TO BE SURFACE TREATED WITH EMULSION AND MARKED WITH WHITE LINE AT EDGE OF PAVEMENT.
 5. JOINT UTILITY: HYDRO, BELL, CABLE
 6. PRIMARY HYDRO DUCTS & COMMUNICATION DUCTS (ENCASED) TYPICALLY REQUIRED ON ONE SIDE OF ROW ONLY. PROVIDE 1.0 m COVER ON ALL CONCRETE ENCASED DUCTS.

- MINIMUM DEPTH COVER:**
- GAS MAIN.....0.60 m
 - HYDRO.....0.90 m
 - TELEPHONE.....0.75 m
 - CABLE TV.....0.75 m
- * MINIMUM EARTH COVER TO BE MAINTAINED AT ALL DITCH CROSSINGS.

- CROSSFALL:**
- 3.0% FOR ROADS WITH GRADE < 1.0%
 - 2.5% FOR ROADS WITH GRADE > 1.0%



Phase 1							
Lot Number	Lot Area (SQ.M)	Lot Number	Lot Area (SQ.M)	Lot Number	Lot Area (SQ.M)	Lot Number	Lot Area (SQ.M)
9	555.31	25	746.96	65	554.77	85	528.53
10	555.32	26	490.21	66	593.05	86	528.52
11	625.36	27	489.94	71	524.4	87	484.07
12	646.16	28	489.67	72	491.87	88	484.07
13	714.06	29	489.41	73	491.87	89	470.98
14	553.88	30	489.14	74	491.87	90	475.76
15	466.58	31	488.9	75	511.5	91	487.1
16	465.87	32	488.78	76	631.92	92	516.16
17	467.33	33	488.69	77	588.89	93	545.21
18	465.38	34	488.59	78	555.73	94	574.27
19	559.47	35	488.49	79	520.65	95	627.65
20	784.97	36	488.4	80	485.57		
21	1032.93	37	488.3	81	470.07		
22	654.34	62	592.94	82	476.4		
23	500.61	63	554.77	83	484.24		
24	1314.16	64	554.77	84	484.08		
TOTAL SQM	32,758.89						

Phase 2					
Lot Number	Lot Area (SQ.M)	Lot Number	Lot Area (SQ.M)	Lot Number	Lot Area (SQ.M)
1	578.08	46	515.96	67	668.67
2	555.77	47	595	68	668.67
3	555.7	48	595	69	668.67
4	555.64	49	595	70	668.67
5	555.57	50	595		
6	555.51	51	595		
7	555.44	52	595		
8	555.38	53	542		
38	488.21	54	508		
39	488.11	55	508		
40	513.34	56	508		
41	513.61	57	541.9		
42	514.08	58	668.67		
43	514.55	59	668.67		
44	515.02	60	668.67		
45	515.49	61	668.67	TOTAL SQM	20,572.72

Block Number	Area (SQM)
BLOCK "A"	32279.114
BLOCK "B"	601.91
BLOCK "C"	58.27
BLOCK "D"	64.45
BLOCK "E"	647.35
BLOCK "F"	1025.81

Street Allowance	
ROW phase 1	14236.27
ROW phase 2	7030.07
Total ROW	21266.34

Total Property Area= 109,274.9 SQ.M
= 10.9275 Hectares

NOTES:

BLOCK A: OPEN SPACE - STORMWATER CONTROL FACILITY
BLOCK B: SANITARY PUMPING STATION FOR FUTURE PHASE
BLOCK C: 0.30 m RESERVE ON COUNTY ROAD
BLOCK D: 0.30 m RESERVE ON COUNTY ROAD
BLOCK E: RIGHT-OF-WAY FOR FUTURE ROAD
BLOCK F: PARKLAND DEDICATION

PHASING:

PHASE 1 CONSISTS OF:
- BLOCK A INCLUDING THE STORMWATER MANAGEMENT POND
- STREET A
- STREET B
- STREET C SOUTH OF STREET B
- FIFTY EIGHT (58) LOTS, INCLUDING LOT 24 AS PARKLAND DEDICATION

PHASE 2 CONSISTS OF:
- STREET D
- THE REMAINDER OF STREET C
- THE SANITARY PUMPING STATION
- THE FOREMAN AND THE REMAINING UNITS

APPROVED BY:

1	OWNER / APPROVAL	07/21/21
No.	REVISION / ISSUE	DATE MM/DD/YY

PREPARED BY:
Mongi Mabrouk P.Eng.
Phone: 613-896-9170
Email: eng.services.ca@gmail.com



PROJECT NAME AND ADDRESS:
LOCKMASTER'S MEADOW SUBDIVISION
COUNTY ROAD NO. 22 (SHANLY RD),
CARDINAL, ON

APPLICANT:
Edwardsburgh Developments Ltd.

TITLE:
PLAN OF SUBDIVISION

SCALE:	1:750	DRAWING No.:	S-1
DRAFTED BY:		PROJECT No.:	0114
DATE:	7/21/21		

Attachment 3
Greer Galloway Peer Review Comments



G R E E R
G A L L O W A Y
C O N S U L T I N G
E N G I N E E R S

1620 Wallbridge Loyalist Road

R.R. #5

Belleville, Ontario

K8N 4Z5

Telephone

(613) 966-3068

Facsimile
(613) 966-3087

E-mail
Belleville@greergalloway.com



September 17, 2021

Township of Edwardsburgh/Cardinal
18 Centre St. PO Box 129
Spencerville, ON K0E 1X0

Attention: Wendy Van Keulen
Community Development Coordinator

Re: Peer Review: Rail Noise Assessment
LOCKMASTER SUBDIVISION
Gradient Wind Engineers & Scientists, dated July 21, 2021
Greer Galloway File No: 21-3-5536

Ms. Van Keulen,

As requested, we have received and reviewed the document titled "Rail Noise Assessment, Lockmasters Meadow, Cardinal, Ontario" prepared by Gradient Wind Engineers & Scientists and dated July 21, 2021.

The comments provided herein are intended to be of a technical nature specific to what we believe are good practices when completing a noise impact assessment for a development of this nature. Comments are specific to the document noted with consideration only of those documents referenced within the primary work. This review has not included a recalculation of modeled sources and receptors.

It is assumed this document will also be reviewed by personnel from The United Counties of Leeds and Grenville, The Township of Edwardsburgh/Cardinal, and the Conservation Authority to address their particular areas of interest.

The study is in support of the development of a new residential subdivision located at Part Lot 7, Concession 1, Municipality of Cardinal within the Township of Edwardsburgh/Cardinal and the United Counties of Leeds and Grenville.

For the following discussion, numbering follows the headings of the primary report.

Comments:

1. *Introduction*

- a. The authors and client are identified as well as the governing ministry guidelines and the site plan date.

2. *Terms of Reference*

- a. The development is residential homes off Shanly Road in Cardinal, Ontario. The location is south of an existing CN railway. Traffic volumes on Shanly Road do not constitute a significant noise source.

3. *Objectives*

- a. The objectives are to:



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C O N S U L T I N G
E N G I N E E R S

1620 Wallbridge Loyalist Road

R.R. #5

Belleville, Ontario

K8N 4Z5

Telephone

(613) 966-3068

Facsimile

(613) 966-3087

E-mail

Belleville@greergalloway.com

- i. Calculate the future noise levels on the study building produced by rail traffic, and
- ii. Determine whether exterior noise levels exceed the allowable limits specified by the MECP Noise Control Guidelines – NPC-300.

4. Methodology

- a. The discussion contained in 4.2.1 Criteria for Rail Traffic Noise uses data from Table C-2 of NPC-300 for the indoor sound level limits for rail and provides an additional reduction target to account for building deficiencies. This is prudent and appropriate. The discussion goes on to summarize the control measures of NPC-300 section C7.1.1 as applicable to outdoor living areas for road and rail noise control. In this part of the discussion, further reductions are not included.
- b. In the consideration of parameters to develop the noise prediction models, the authors have included their list of assumptions. **One element that is not considered, is the fence shown on the site plans. This has the potential to reduce the noise impact at the outdoor living areas. If the fence was omitted for a technical reason (e.g. height and materials render it a negligible attenuator) this should be noted.**

5. Transportation Noise Results

- a. Section 5.2 Noise Control Measures refers to discussion in Section 4.3. There is no section corresponding to 4.3 in the document. **This may be a typographic error referring to Section 4.2.**
- b. The discussion of Sound Transmission Class (STC) includes an explanatory overall noise reduction calculation. **When applying the calculation to the exterior walls in the following paragraphs, the recommended wall STC is 45 which would place the indoor noise level at 13 dBA. Additional explanation is required here with respect to applicable Ontario Building Code requirements. The discussion also references an example window configuration but none is listed within the document.**
- c. The recommended Noise Control Measures focus on the mitigation of noise for the planned buildings. While Section 4.2.1 provides a summary of when mitigation must be provided for Outdoor Living Areas, there is no further discussion of how noise may be mitigated in the Outdoor Living Areas. **The noise levels provided by modelling are approaching the 60dBA threshold when mitigation becomes a requirement. The site plan allows for an empty field and detention basin at the northern extent between the final row of houses and the rail noise source. The addition of low-impact, passive sound barriers in this space (plantings, berms, fencing) may warrant consideration as additional mitigation.**

6. Conclusions and Recommendations

- a. The conclusions and recommendations reflect the body of the report and provide example warning clauses to be included on legal



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CONSULTING
ENGINEERS

agreements relating to the properties. **Review of the comments above may affect the conclusions if any additional recommendations regarding mitigation measures are put forward.**

This document review is provided for the consideration of the Township of Edwardsburgh/Cardinal. We note that these comments are provided based on the review of only the document provided and recognize the possibility that discussions relating to these items have already occurred as part of pre-consultation activities leading up to the submissions. We trust the Township will review the comments provided and confirm their relevance prior to requiring responses from the proponent.

If there are any questions or comments regarding the content of this report, please contact the undersigned.

Sincerely,
**GREER GALLOWAY
CONSULTING ENGINEERS**

Peter Zandbergen, P.Eng.
Senior Mechanical Engineer, Building Services

1620 Wallbridge Loyalist Road

R.R. #5

Belleville, Ontario

K8N 4Z5

Telephone

(613) 966-3068

Facsimile

(613) 966-3087

E-mail

Belleville@greergalloway.com

Attachment 4
2013 Draft Approved Conditions

Applicant:	Edwardsburgh Developments Inc. (Charlebois)	Date of Decision:	April 24, 2013
File No:	07-T-10005	Date of Notice:	April 24, 2013
Municipality:	Township of Edwardsburgh/Cardinal	Last Date of Appeal:	May 7 2013
Location:	Lot 7, Con 1, County Road 22	Lapsing Date:	April 24, 2016

The Counties' conditions to final plan approval for registration of this subdivision file No. 07-T-10005 are as follows:

No.	Conditions
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DRAFT DATED MARCH 2013

General

1. That this approval applies to the Draft Plan of Subdivision of East ½ of Lot 7, Concession 1, Township of Edwardsburgh/Cardinal, County of Grenville, prepared by Eastern Engineering Group Inc., signed by R.M. Jason Ontario Land Surveyor dated January 26, 2011, which shows a total of 93 residential lots (Lots 1-94, not including Lot 24), Block A for the stormwater retention pond and noise attenuation barrier, Block B for a sanitary pumping station, Blocks C and D for 0.3 m reserves, Block E for a future road right-of-way and Lot 24 for parkland dedication.
2. That a minimum of 10 metres from both sides of the centre line of the Streets shown on the draft plan shall be shown and dedicated as public highways on the final plan.
3. That Block E, as shown on the draft plan, shall be conveyed to and held in trust, by the Township of Edwardsburgh/Cardinal until the extension of the road allowance.
4. That Block A, as shown on the draft plan, shall be conveyed to the Township of Edwardsburgh/Cardinal.
5. That the streets shall be named to the satisfaction of the municipality.
6. The subdivision shall be built in two phases. Phase 1 consists of Block A including the stormwater management pond, Street A, Street B and Street C south of Street B for a total of fifty eight (58) residential lots, including Lot 24 as parkland dedication, as shown on the draft plan. Phase 2 consists of Street D, the remainder of Street C, the noise attenuation barrier on Block A, the sanitary pumping station, the forcemain and the remaining units.

Parkland

7. That Lot 24, as shown on the draft plan, shall be conveyed to the Township of Edwardsburgh/Cardinal as part of Parkland Dedication.
8. That the developer as part of Parkland Dedication, convey a cash-in-lieu payment to the Township.
9. All Owner obligations associated with Lot 24 must be completed in Phase 1 to the satisfaction of the Township of Edwardsburgh/Cardinal.
10. It is the responsibility of the Owner to fill with clean earth fill, compact and level Lot 24 accordingly, providing for positive surface drainage to the satisfaction of the Township of Edwardsburgh/Cardinal.
11. The Owner shall grade areas of parkland where necessary to the satisfaction of the Township of Edwardsburgh/Cardinal, so as to provide a uniform surface, free of debris, necessary to establish a safe clean and maintainable surface. Lot 24 shall be graded in accordance with the approved Grading Plan for the Plan of Subdivision. No storage of building materials, including granular topsoil will be permitted on Lot 24.

Applicant:	Edwardsburgh Developments Inc. (Charlebois)	Date of Decision:	April 24, 2013
File No:	07-T-10005	Date of Notice:	April 24, 2013
Municipality:	Township of Edwardsburgh/Cardinal	Last Date of Appeal:	May 7 2013
Location:	Lot 7, Con 1, County Road 22	Lapsing Date:	April 24, 2016

Zoning

12. That prior to final approval by the County, the County is to be advised by the Township of Edwardsburgh/Cardinal that this proposed subdivision conforms to the zoning by-law in effect and that any zoning issues identified are appropriately satisfied through an amendment to the Township Zoning By-Law.

Servicing - General

13. That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of Edwardsburgh/Cardinal concerning the provision of roads, installation of services, drainage and other relevant features (lighting).
14. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
15. The Owner acknowledges their responsibility to obtain all of the required approvals for the pumping station to be constructed on Block B.
16. That the plans show and subdivision agreement contain a clause whereby the Owner agrees to provide two lifts of asphalt, concrete curbs and gutters, in accordance with OPSS, on Streets A, B, C and D to the satisfaction of the Township of Edwardsburgh/Cardinal.
17. That the plans show and subdivision agreement contain a clause whereby the Owner agrees to provide underground electrical servicing to the satisfaction of the Township of Edwardsburgh/Cardinal.

Water and Sewer Works

18. The Owner shall submit detailed municipal servicing plans, prepared by a Civil Engineer licensed in the Province of Ontario, to the Township of Edwardsburgh/Cardinal and the United Counties of Leeds and Grenville (Counties'). All water and sewer works to be located on the County Road right-of-way shall be subject to approval from the Counties' Roads Department at the time of detailed design.
19. The Owner acknowledges and agrees that building permits will not be issued for the development of individual Lots in Phase 2 until the pumping station has been installed and placed in service to the satisfaction of the Township of Edwardsburgh/Cardinal.
20. The Owner shall design and construct all necessary watermains and the details of services and meters to the satisfaction of the Township of Edwardsburgh/Cardinal. The Owner acknowledges that the servicing plan shall include a watermain stub to Block E. The Owner shall pay all related costs, including the cost of connection, inspection and sterilization by Township personnel, as well as the supply and installation of water meters by the Township.
21. Upon completion of the installation of all watermains, hydrants and water services, the Owner shall provide the Township with mylar(s) of the "as-built" plan(s), certified under seal by a Professional Engineer, showing the location of the watermains, hydrants and services. Shape files are also required in order for them to be added to the Township GIS system. The United Counties require digital files in .dwg format.

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Stormwater Management

22. That prior to final plan approval, the Owner shall prepare a final stormwater site management plan and lot grade and drainage plan which shall be consistent with the report entitled "Preliminary Stormwater Management Report" prepared by Eastern Engineering Group Inc. signed July 13, 2010. The final stormwater site management plan shall address the South Nation Conservation review comments dated October 12, 2010. The Plan shall describe how stormwater management is to be implemented in accordance with the current Stormwater Management Best Management Practises and should address both water quality and quantity concerns. Models, assumptions and calculations of pre- and post- development runoff are to be included in this submission. The final report shall be prepared to the satisfaction of the Township of Edwardsburgh/Cardinal and South Nation Conservation.
23. Post-development stormwater flows at the County Road culvert shall equal pre-development flows.
24. That prior to final plan approval, the Owner shall prepare and submit a Sediment and Erosion Control Plan, appropriate to the site conditions, prior to undertaking any site alterations (filling, grading, removal of vegetation, etc.) and indicate how it is to be implemented during all phases of the site preparation and construction in accordance with the current Best Management Practises for Erosion and Sediment Control to the satisfaction of the Township of Edwardsburgh/Cardinal and South Nation Conservation.
25. That the Subdivision Agreement contain a clause whereby the Owner agrees that upon completion of all stormwater works, to provide certification to the Township of Edwardsburgh/Cardinal and South Nation Conservation, through a professional engineer, that all measures have been implemented in conformity with the approved stormwater site management plan.
26. That the Subdivision Agreement contains a clause whereby prior to the commencement of construction of any phase of the subdivision (roads, utilities and off-site works etc.), the Owner agrees to:
 - a) have a professional engineer prepare an erosion and sediment control plan appropriate for site conditions in accordance with current best management practices;
 - b) have this plan reviewed and approved by the Township of Edwardsburgh/Cardinal and South Nation Conservation;
 - c) monitor the effectiveness of and maintain the erosion and sedimentation control works as necessary, and;
 - d) provide certification to the Township of Edwardsburgh/Cardinal and South Nation Conservation through a professional engineer that the plan has been implemented.

Fisheries

27. The Owner acknowledges that the Unnamed watercourse is considered either direct or indirect Fish Habitat as per Section 35 of the *Fisheries Act*.
28. The Owner shall establish a 30 metre "no touch/no development" setback of the Unnamed watercourse, on both sides, measured from the top of the average annual highwater mark. The final approved plan of subdivision shall clearly show this setback. Any deviation from this setback shall be to the satisfaction of the Township of Edwardsburgh/Cardinal and South Nation Conservation.

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29. The Owner acknowledges that South Nation Conservation is under agreement with the Department of Fisheries and Oceans Canada to screen all works that are in or adjacent to water. In accordance with Section 35 of the *Fisheries Act*, the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat is prohibited. The impacts that any such works may have on a fish habitat, whether directly adjacent to the site or downstream, will necessitate a review by South Nation Conservation and may require approval of the Department of Fisheries and Oceans Canada.

Noise Attenuation

30. For Phase 1, the noise attenuation requirements include the following:

- a) forced air heating with provision for central air conditioning.
- b) The inclusion of Warning Clause Type C in all Offers of Purchase and Sale.

Type C: "This dwelling unit has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of Environment's noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

- c) The noise attenuation berm shall be constructed as part of Phase 2. The berm should be an L-shaped continuous barrier with an effective height of 5.0 m. All buildings closest to the berm are to be 5.0 m high or less. No portion of the noise attenuation berm shall be located on the County Road right-of-way.

31. For Phase 2, the noise attenuation requirements include the following:

- a) forced air heating with central air conditioning.
- b) The inclusion of Warning Clause Type D in all Offers of Purchase and Sale.

Type D: "This dwelling has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of Environment's noise criteria."

- c) For the units to be built on Lots 48 through 53 inclusive, the building construction standards need to exceed the minimum requirements of the Ontario Building Code in that the acoustical performance of the building components (windows, doors and walls) must be specified such that they meet the indoor criteria specified in Table 7 of the Ministry of Environment Criteria. The exterior walls of the first row of dwellings next to the railway tracks shall be built to a minimum of EW5 (brick veneer) or equivalent construction from the foundation to the rafters. EW5 is an exterior wall composed of 12.7 m gypsum board, vapour barrier and 38x89 mm studs with 50 mm (or thicker) mineral wool or glass fibre batts in inter-stud cavities plus sheathing, 25 mm air space and 100 mm brick veneer. Prior to the issuance of a building permit, a Building Components Study is required to the satisfaction of the

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Township of Edwardsburgh/Cardinal.

- d) For the units to be built on Lots 28 through 53 inclusive, the inclusion of additional wording in the Warning Clause in all Offers of Purchase and Sale is as follows:

“Purchasers/tenants are advised that sound levels due to increasing rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels will exceed the Municipality’s and the Ministry of the Environment noise criteria.”

32. The Owner acknowledges and agrees that building permits will not be issued for the development of individual Lots in Phase 2 until the noise attenuation barrier has been installed and placed in service to the satisfaction of the Township of Edwardsburgh/Cardinal.
33. Where structural mitigation measures are required as a result of the Noise Impact Study, the Owner shall provide, prior to final building inspection, certification to the Township of Edwardsburgh/Cardinal, through a Professional Engineer, that the noise control measures have been implemented in accordance with the approved study.

CN Rail

34. The Owner shall engage a consultant to undertake an analysis of noise to the satisfaction of CN Rail (“CNR”). At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway right-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by the Noise Consultant.
35. The Owner shall install and maintain a chain link fence of minimum 1.83 m height along the mutual property line.
36. The following clause shall be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300 m 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.”
37. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
38. 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 CNR.

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39. The Owner shall enter into an Agreement with CNR stipulating how CNR concern's will be resolved and will pay CNR's reasonable costs in preparing and negotiating the agreement.
40. The Owner shall be required to grant CNR an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CNR.

Landscaping/Streetscaping

41. The Owner agrees to provide additional planting where necessary to provide a buffer between the existing properties and Lots 14 to 21 inclusive on the draft plan of subdivision, to the satisfaction of the Township of Edwardsburgh/Cardinal.

Streetlighting

42. The Owner shall design and construct all necessary streetlighting, interior and exterior to the subdivision, to the satisfaction of the Township of Edwardsburgh/Cardinal. The Owner shall pay all related costs, including the cost of connection and inspection by Township personnel and/or the hydro authority.

Offer of Purchase and Sale Agreements

43. That the subdivision agreement between the Owner and the municipality and the Offers of Purchase and Sale Agreements and Deeds contain the following provisions with wording acceptable to the Township of Edwardsburgh/Cardinal, wherein the owner agrees:

- a) For Phase 1, the inclusion of Warning Clause Type C in all Offers of Purchase and Sale.

Type C: "This dwelling unit has been fitted with a forced air heating system and the ducting etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of Environment's noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

- b) For Phase 2, the inclusion of Warning Clause Type D in all Offers of Purchase and Sale.

Type D: "This dwelling has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of Environment's noise criteria."

- c) For the units to be built on Lots 28 through 53 inclusive, the inclusion of additional wording in the Warning Clause in all Offers of Purchase and Sale is as follows:

"Purchasers/tenants are advised that sound levels due to increasing rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels will exceed the Municipality's and the Ministry of the Environment noise criteria."

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- d) That the general maintenance and upkeep of all ditches and drains within the subdivision be the responsibility of the property owner.
 - e) That grass cutting along the road side within the subdivision be the responsibility of the property owner.
 - f) For each dwelling unit within 300 m 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."
44. That the subdivision agreement between the owner and the municipality contain a provision that Agreements of Purchase and Sale indicate that it will not be possible to guarantee which school children residing in this subdivision may attend, and that transportation will be provided in accordance with the policy of the governing school board.

Traffic Impact Study

45. That prior to final approval by the Counties', the Owner shall submit a Traffic Impact Study addressing the impact of traffic from this development upon County Road 22, and if necessary, provide recommendations to mitigate any adverse effects. Consideration shall be given to the creation of a crosswalk at the intersection of Gill Street and County Road 22. Any improvements/modifications to the roadway system required as a result of the development including illumination of the County Road 22 intersection, will be the responsibility, financial and otherwise of the Owner and shall be covered by an agreement between the owner and the Counties'. The Traffic Impact Study shall be written to the satisfaction of the Township of Edwardsburgh/Cardinal and the United Counties of Leeds and Grenville.

Hydro Installations

46. The Owner shall request a connection cost assessment from Hydro One and from Rideau St. Lawrence Distribution Inc. Should the cost assessment result in Hydro One supporting a Service Area Amendment, the Owner shall arrange for Rideau St. Lawrence Distribution Inc. to be the Hydro Electric Commission (i.e., provider).
47. The Owner shall arrange with the relevant Hydro Electric Commission for the installation of such services to the subdivision and for the provision of easements with respect to such installations. The Owner shall pay any cost involved in relocating any existing services required by the construction of works in the subdivision.
48. That prior to final plan approval by the County, the Owner shall enter into a Servicing Agreement with the relevant Hydro Electric Commission.

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Enbridge Gas

49. That the subdivision agreement between the Owner and the municipality contain the following to the satisfaction of Enbridge Gas:
- a) The developer is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities;
 - b) Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities;
 - c) The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information for the installation of the gas lines; and
 - d) It is understood that the natural gas distribution system will be installed within the proposed road allowance. In the event this is not possible, easements will be provided at no cost to Enbridge Gas Distribution Inc.

Bell Canada

50. That the subdivision agreement between the Owner and the municipality contain the following to the satisfaction of Bell Canada:
- a) The Owner shall agree to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
 - b) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that the sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

Canada Post

51. The Owner shall consult with Canada Post to determine the locations of lay-bys for postal boxes. The location of lay-bys, as agreed between the Owner and Canada Post, will be subject to the final approval of the Counties'.

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Subdivision Agreement

52. That the subdivision agreement between the Owner and the municipality be registered against the lands to which it applies once the plan of subdivision has been registered.
53. That the subdivision agreement between the Owner and the municipality contain wording acceptable to South Nation Conservation.

Clearance of Conditions

54. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by the Township of Edwardsburgh/Cardinal that Conditions 3-12, 16-20, 22-24, 26, 30-31, 39-42, inclusive, have been satisfied.
55. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by South Nation Conservation that Conditions 20, 22, 26 and 51 have been satisfied.
56. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by Enbridge Gas Distribution Inc. that Condition 47 has been satisfied.
57. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by Bell Canada that Condition 48 has been satisfied.
58. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by CN Rail that Conditions 32-38 have been satisfied.
59. That prior to registration of the final plan, the United Counties of Leeds and Grenville is to be advised by Hydro One or Rideau St. Lawrence Distribution that Conditions 44-46 have been satisfied.
60. That prior to final approval, the United Counties' subdivision approval authority is to be advised by the United Counties' Roads Department that conditions 18, 21, 23, 30(c) and 45 have been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the United Counties of Leeds and Grenville Planning Approvals Department quoting the County's file number.
2. We suggest that you make yourself aware of Section 144 of the *Land Titles Act* and Subsection 78 (10) of the *Registry Act*.

Subsection 144 (1) of the *Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in Subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in the registry division cannot be registered under the *Registry Act* unless that title of the owner of the

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land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of Subsection 78 (10).

3. Clearances are required from the following agencies:

Debra McKinstry
Township of Edwardsburgh/Cardinal
18 Centre Street, P.O. Box 129
Spencerville, ON, K0E 1X0

Nathan Farrell
Watershed Planner
South Nation Conservation
38 Victoria Street, P.O. Box 29
Finch, ON, K0C 1K0

Hydro One Networks Inc.
Real Estate Services Land Use Planning
P.O. Box 4300
Markham, ON, L3R 5Z5

OR

Rideau St Lawrence Distribution Inc
985 Industrial Rd.
Prescott, ON, K0E 1T0

Mr. John La Chapelle
Manager – Right-of-Way Control Centre
Bell Canada
Floor 5, 100 Borough Drive
Scarborough, ON, M1P 4W2

Mr. Tony Ciccone
Manager
Enbridge Gas Distribution Inc.
P.O. Box 650
Scarborough, ON, M1K 5E3

Nick Coleman
Manager, Community Planning and
Development
CN Business Development and Real Estate
1 Administration Road
Concord, ON, L4K 1B9

If the agency condition concerns a condition or conditions in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is required by the United Counties of Leeds and Grenville.

4. All measurements in subdivision final plans must be presented in metric units.
5. The final plan approved by the Counties' must be registered within 30 days or the Counties' may withdraw its approval under Subsection 51 (59) of the Planning Act.