



PLANNING, DEVELOPMENT
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David Welwood
File: D18-20/7/16701
Zone Change 6/2016

September 4, 2020

Jeremy Vink,
Manager of Planning
Township of Woolwich
24 Church Street West
Elmira, ON N3B 2Z6

Dear Mr. Vink,

**Re: Final Post Circulation Comments
Plan of Subdivision Application 30T-16701 (Recirculation)
And Zoning By-law Amendment 6/2016
Hawk Ridge Homes Inc.
36-68 Union Street, Elmira
TOWNSHIP OF WOOLWICH**

The Region of Waterloo is pleased to provide the following comments regarding the above-noted proposed plan of subdivision at 36-68 Union Street in Elmira in the Township of Woolwich. The purpose of these comments is to identify conditions of draft approval for the proposed subdivision in addition to those identified in our letter dated November 20, 2019.

The original plan of subdivision and associated zone change application were submitted to the Region and the Township of Woolwich for processing in 2016. Since then, the Region provided post-circulation comments on May 20, 2016, as well as additional comments on November 19, 2020 including comments resulting from a peer review undertaken of the Noise Feasibility Study provided in support of the applications. Since then, Hawk Ridge Homes Inc. has completed additional work to address these

comments by the Region and its peer reviewer. This letter focuses on comments from the Region's peer reviewer as well as follow up requirements from the Grand River Conservation Authority (GRCA).

Noise Study

The subject lands are located in close proximity to several industries which could potentially emit odours, noise and dust. Following the initial circulation of the application in 2016, a noise study undertaken in support of the application was revised and submitted to the Region for review ("36-68 Union Street Hawk Ridge Homes Development Elmira Ontario: Land Use Planning Noise Feasibility Assessment", prepared by RWDI AIR Inc. dated February 8, 2019"). The report assesses potential impacts of road, rail and stationary noise sources on the proposed development.

The Region engaged HGC Engineering (HGC) to conduct a peer review of the noise study which was submitted to the Region on April 26, 2019. There was additional back and forth communication between the Region, HGC and RWDI in order to come to an agreement on the appropriate measures to address noise concerns. This work included:

- A response to the HGC peer review ("Re: Peer Review Responses – HGC's Peer Review Report Dated April 26, 2019", by RWDI, dated July 4, 2019);
- A response to the July 4, 2019 letter from RWDI ("Ref: Peer Review, RWDI 'Land Use Planning Noise Feasibility Assessment, 36-68 Union Street Hawk Ridge Homes Development, Elmira, Ontario' dated February 8, 2019 Response to RWDI Comments dated July 4, 2019", by HGC Engineering dated September 12, 2019);
- A follow up response by RWDI ("Re: Peer Review Responses – HGC's Peer Review Report dated September 12, 2019" by RWDI, dated October 4, 2019);
- A letter from the Region dated November 20, 2019 ("Re: Post Circulation Comments, Plan of Subdivision Application 30T-16701 (Re-circulation) and Zoning By-law Amendment 6/2016", from the Region of Waterloo, dated November 20, 2019);
- A meeting between Regional Staff, HGC and RWDI to address remaining issues, held on March 10, 2020;
- A letter reiterating the agreed noise mitigation measures discussed at the March 10, 2020 meeting ("Re: Noise Mitigation – Hawk Ridge Homes, Elmira, Ontario", by RWDI, dated May 8, 2020); and
- A letter from HGC confirming agreement with the proposed noise mitigation measures ("Ref: Peer Review, RWDI 'Land Use Planning Noise Feasibility Assessment, 36-68 Union Street Hawk Ridge Homes Development, Elmira,

Ontario' dated February 8, 2019 Review of RWDI Letter to Hawk Ridge Homes Inc. dated May 8, 2020", by HGC Engineering dated June 1, 2020).

The agreed upon draft conditions of approval for the proposed subdivision related to noise include the following:

- 1) Prior to registration of all or any part of the subdivision plan, the Developer enter into an agreement with the Township of Woolwich to provide that any dwelling unit constructed within the plan not be occupied until such time as confirmation is received from HBK United Custom Woodworks that an upgraded silencer has been installed on the air return located inside the HBK facility prior to occupancy of the first residential unit within the plan, or at the discretion of the Township's Chief Building Official in consultation with the Township's Director of Development Services and the Region of Waterloo.
- 2) Prior to registration of all or any part of the subdivision plan, the Developer enter into an agreement with the Township of Woolwich to implement the recommendations of the Noise Study entitled, "36-68 Union Street, Hawk Ridge Homes Development, Elmira, Ontario, Land Use Planning Noise Feasibility Assessment" (RWDI AIR Inc., February 8, 2019) and Letter Report "Noise Mitigation - Hawk Ridge Homes, Elmira, Ontario" (RWDI AIR Inc., May 8, 2020). Without limiting the foregoing, recommended noise mitigation as per Figures 2 (Receptor Locations) and 3 (Acoustic Barriers) of the Letter Report include the following:
 - a) that all residential units constructed on Lots 4, 8 to 13, 17 to 22, 26 to 31, and 36 all inclusive, be fitted with a forced air-ducted heating system suitably sized and designed to permit the future installation of a central air conditioning system by the occupant;
 - b) that three (3) 2.43 metre (8 ft.) high noise attenuation walls and returns as per Figure 3 of the Letter Report be constructed as follows:
 - i) along the east property line of Lot 13 adjacent to Union Street;
 - ii) along the east property line of Lots 22 and 31 adjacent to Union Street;
 - iii) along the east property line of Lot 36 adjacent to park Block 36 and along the entire north property line adjacent to open space Block 36;
 - c) that a wood privacy fence be constructed along the common property lines of residential Lots 10, 11, 12 and 13 with commercial Block 37 in accordance with Township policies and procedures. (Alternatively, this could be addressed at site plan control).

- d) that the architectural design of all residential units constructed within Lots 4, 13, 22, 31 and 36 do not contain windows associated with a noise sensitive space along the east façade facing Union Street;
- e) that the exterior building façade facing Union Street and rear façade for residential Lots 4, 13, 22, 31 and 36 be constructed with EW-5 brick veneer;
- f) that the noise attenuation walls in 2b) above be constructed:
 - i) 0.15 metres off-set from the property line within the respective Lots,
 - ii) within one (1) year of the first building permit issued for either of Lots 13, 22, 31 or 36, and
 - iii) with a minimum surface density of 20 kg/m², and without holes or gaps. Any gaps under the noise attenuation wall required for drainage purposes shall be minimized and localized where possible;
- g) that a) to f) above be completed to the satisfaction of the Director of Development Services, Township of Woolwich.
- h) That prior to registration of all or any part of the subdivision plan, the Developer enter into an agreement with the Township of Woolwich for Lots 4, 8 to 13, 17 to 22, 26 to 31, and 36 all inclusive, that the following clause be included in all agreements of purchase and sale and/or rental agreements:

“Purchasers/tenants are advised that the sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

“This dwelling unit has been designed with the provision of adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

- 3) Prior to registration of all or any part of the subdivision plan, the Developer will be required to:
 - a) enter into an agreement with the Township of Woolwich that prior to construction of any noise attenuation barrier in Condition 2b) above, the Developer shall submit a Noise Wall Design Report in accordance with Section 7.2 of the Region of Waterloo Implementation Guideline for Noise Policies;
 - b) provide for security, the necessary financial resources equal to the cost of constructing the noise attenuation walls contained in Condition 2b) above;

c) that a), and b), above be completed to the satisfaction of the Director of Development Services, Township of Woolwich.

- 5) Prior to registration of all or any part of the subdivision plan, the Developer enter into an agreement with the Township of Woolwich for Lots 1 to 36 all inclusive, that the following clause be included in all agreements of purchase and sale and/or rental agreements:

“Purchasers / tenants are advised that due to the proximity of the adjacent industries, noise, odour and/or dust from these industries may occasionally cause concern for some individuals.”

- 6) Prior to registration of all or any part of the subdivision plan, the Developer enter into an agreement with the Township of Woolwich for Lots 13, 22, 31, and 36 all inclusive, to provide for the following maintenance clause for the noise wall:

“The purpose of the noise attenuation wall in Clause 2b) above is to attenuate noise from Union Street and adjacent industrial activities. The Developer will be responsible to preserve the function of the noise attenuation wall located on private lands. The Developer agrees that the Township, through its employees and agents has the right to enter on the lands to inspect the noise wall. The Developer agrees to repair or, if necessary, replace the noise wall. Should the Developer fail to repair or replace the noise wall, as the Township deems necessary, upon receipt of a written notice from the Township, the Developer agrees that the Township may undertake such works upon the expiration of the time set out in the notice. If such work is undertaken by the Township, the Developer hereby agrees to permit entry upon the lands for this purpose and agrees to reimburse the Township fully for all the costs of undertaking such work.”

Land Use Compatibility

The subject lands are located approximately 200 metres west of the Region’s sewage treatment plant, which could potentially emit odours. An agreement will be required as a condition of draft approval to include a warning clause warnings in offers of purchase and sale advising prospective buyers of the presence of a sewage treatment plant in the general area, and of the possible presence of related odours.

Natural Hazards

In a letter dated December 6, 2019, the GRCA confirms that it has reviewed revised grading plans and zoning maps from the proponents subsequent to their April 12, 2019 comments to the Region. The GRCA has no objections to the proposed zone change and official plan amendment applications, and recommends the following conditions of draft approval for the proposed plan of subdivision:

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
 - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled “Stormwater Management Planning and Design Manual”.
 - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
 - c. An Erosion and Sediment Control Plan in accordance with the Grand River Conservation Authority’s Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of the grading and construction.
 - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation Permit from the GRCA prior to any construction in the regulated area.

2. A development agreement will be required which includes provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1.

In addition, during Final Design, the GRCA requires the following comments to be addressed:

1. The oil-grit separator must be sized as per the Canadian Environmental Technology Verification (ETV) Program particle size distribution.

2. The Erosion Control Plan consisting of only a silt fence and mud mat is inadequate for a 3.2 hectare subdivision. Please prepare a more robust plan consistent with current Erosion and Sediment Control Guidelines for Urban Construction.

GRCA also reiterates that lots 33-37 are within the flood fringe area of the Two Zone Policy Area. Development in the Flood Fringe is subject to the Two Zone Floodplain Policies in the Township official plan and Section 8.1.30 of the GRCA Policies for the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06). All development within this area must be floodproofed to the regulatory flood elevation to the satisfaction of the GRCA and the Township. No habitable floor space below the regulatory flood elevation (including basements) will be permitted. These restrictions have been flagged through the use of the “FF” symbol overlay in the zoning by-law. Fees will be required for

clearance of the subdivision at the registration stage and a future GRCA permit is required.

Next Steps

The Owner/Developer is advised that receipt of these post circulation comments does not constitute a draft or final approval of this application. Prior to draft approval by the Region, the Township of Woolwich must provide formal comments on the application and/or a recommendation in support of draft plan approval, including the Township's conditions of draft approval.

Upon satisfaction of any outstanding issues or conditions, the Owner/Developer must submit to the Region 4 copies of the plan to be draft approved and the Regional Draft Approval fee of \$3,500 that was in effect when the application was received, in accordance with the Region's fee by-law (16-001). The plan must be signed by the Owner and Surveyor. Once the plan of subdivision is draft approved, the draft approval will take effect 21 days after the day the notice of decision is issued, provided no appeals are received in accordance with Section 51(39) of the *Planning Act*.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in blue ink that reads "Dave Welwood". The signature is written in a cursive, flowing style.

David Welwood, MCIP, RPP
Principal Planner

cc. Arlene Beaumont, W.E. Oughtred & Associates Inc. (e-mail only)
Trevor Heywood, Grand River Conservation Authority