

SULLIVAN | MAHONEY LLP
LAWYERS

November 25, 2021

Via Email to ann-marie.norio@niagararegion.ca

Reply to St. Catharines office
THOMAS A. RICHARDSON, C.S.

tarichardson@sullivanmahoney.com

*Certified Specialist (Municipal Law – Local
Government/Land Use Planning & Development)*

Ms. Ann-Marie Norio, Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: 135 Queen Street, Niagara-on-the-Lake
Our File No. 130366**

By letter dated October 1, 2021, a copy of which is attached hereto, we requested an opportunity to speak to the Corporate Services Committee with respect to Regional development charges applicable to property located at 135 Queen Street in Niagara-on-the-Lake.

We have been informed that a report will be presented on this matter to the Corporate Services Committee at its meeting to be held on December 8, 2021.

The purpose of this letter is to request an opportunity for this writer to speak to the Corporate Services Committee at its meeting on December 8, 2021.

Please advise if you require any additional, information on this matter.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:



Thomas A. Richardson, C.S.
Thomas Richardson Legal
Professional Corporation

TAR:sm
Enclosure
cc—Mr. Alex Rotundo
cc—Mr. Rob Fleming
cc—client

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

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SULLIVAN | MAHONEY LLP
LAWYERS

December 2, 2021

Via Email to ann-marie.norio@niagararegion.ca

Reply to St. Catharines office
THOMAS A. RICHARDSON, C.S.

tarichardson@sullivanmahoney.com

*Certified Specialist (Municipal Law – Local
Government/Land Use Planning & Development)*

Ms. Ann-Marie Norio, Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: 135 Queen Street, Niagara-on-the-Lake
Our File No. 130366**

Thank you for your email of today's date acknowledging our request for delegation status on the above-noted matter. Your email requests that we provide any presentation materials.

Please consider this letter and the attachments as materials to which we will refer in our delegation.

The chronology attached to the staff report details the extent of archaeological assessments undertaken on the property at 135 Queen Street. The site is heavily laden with archaeological materials. The materials are so dense that ultimately it was determined the only way to redevelop the property at 135 Queen Street was to clear the archaeological artifacts only from defined areas, leaving the rest of the site untouched. This resulted in the excavation of pits into which were installed piers which support a building platform over the undisturbed areas of 135 Queen Street.

Because of the prohibition of disturbing areas other than the piers, it became necessary, late in the process (August 2019), to find another way to service the property at 135 Queen Street. This was done by bringing in services through 178 Gate Street. A determination to bring in servicing through 178 Gate Street then necessitated further archaeological assessment of the property at 178 Gate Street. That final archaeological work for 178 Gate Street was not approved by the Ministry until February 2021. Final clearance from the Ministry arrived in November 2021.

Attached hereto are three photographs with notes. The first photograph shows the situation of 135 Queen Street and 178 Gate Street and the location where the servicing was ultimately brought to the property through 178 Gate Street.

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The second photo shows the type of pit which was dug and archaeologically cleared in order to construct piers to support the development over top of the undisturbed site.

The third photo shows the piers in place on 135 Queen Street which piers now support a building plate over 135 Queen Street.

It was the addressing of archaeological matters which occasioned the lengthy delay between demolition and construction. Addressing the archaeological issues could not occur until demolition occurred. Final implementation of the solution to build over the undisturbed site and to service the site did not occur until November 2021.

Thank you for permitting me to provide this additional material.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

A handwritten signature in blue ink, appearing to read "T. Richardson", is written over a light blue rectangular background.

Thomas A. Richardson, C.S.

Thomas Richardson Legal
Professional Corporation

TAR:sm
Enclosures (3)

cc—Mr. Alex Rotundo
cc—Mr. Rob Fleming
cc—client

See attached a goggle earth screen shot, the area in blue is 135 Queen Street, the green hatched area is the archeological sensitive area where no digging can ever happen again as the area is capped with a platform. The area in red is 178 Gate Street which has a historical designated house that we recently renovated the entire interior.

The yellow area in 178 Gate Street is where the stage 4 archeological assessment was conducted and where the services for 135 Queen Street were installed.



This picture is one of 30 plus of these which were dug by hand by archeologists and then filled by concrete which become the foundation piers for the platform.



Here is a photo of some of the completed piers, this is also part of the Stage 4 for 135 Queen.

