

**Special Conditions for 25T-201208 "Freeman Industrial"**

1. That, ***prior to registration***, the Owner agrees in writing to commemorate the industrial heritage of the former site with a commemorative plaque, to the satisfaction of the Director of Planning.
2. That, ***prior to registration***, the Owner submit securities to the City to ensure the implementation of condition 1 in accordance with this Draft Plan of Subdivision, and that the security be withheld until such time as condition 1 is completed to the satisfaction of the Director of Planning.
3. That, ***prior to registration***, the owner/applicant shall submit a Noise Feasibility Study/Noise Brief that outlines the minimum noise mitigation measures that would need to be implemented for the proposed industrial lots backing onto existing residential development. The above requirement shall be prepared by a qualified Professional Engineer and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Noise Feasibility Study/Noise Brief be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.
4. That, ***prior to registration***, the owner shall agree in the Subdivision Agreement, to advise purchasers of Lots 8 - 11 and 15 - 18, that a detailed noise study may be required at the Site Plan Control Stage for these Lots. Accordingly, and based on the findings of a detailed noise study, there may be limitations on the site layout, operations and building design for these lots.
5. That, ***prior to registration***, the Owner shall make provisions to amend approved conditions of the draft plan of subdivision including amending of the subdivision agreement should any conditions of draft plan be approved for deferral to the Site Plan process, to the satisfaction of the Director of Planning.
6. That all road allowances, daylight triangles, public walkways and road widening's be dedicated by certificate as public highways on the final plan.
7. That, ***prior to preliminary grading***, the owner shall submit a detailed grading plan showing how the grading within the development will be integrated with the existing adjacent lands. The grading of the buildings will attempt to blend in with the existing topography and natural setting, where possible, to the satisfaction of the Senior Director of Growth Management.

8. That, **prior to preliminary grading**, the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of roads, and servicing of lots within the subject lands shall be at the sole expense of the owner.
9. That, should the development of the property be phased, a phasing plan must be submitted prior to final approval and registration of the first phase. The phasing plan shall indicate the sequence of development, the land areas in hectares, the number of lots and blocks in each phase, the proposed use of each block, the specific lots to be developed, site access to each phase, grading, and construction of municipal services, all to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey the 9m servicing easement on Lots 7 and 8, and proposed park, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing**, in the absence of a Noise Feasibility Study/Noise Brief (Special Condition 3) and the implementation of the recommended mitigation, due to the application of Special Condition No. 5, the Owner shall include in the engineering design and cost schedules provisions to construct and maintain privacy fencing, to the satisfaction of the Senior Director of Growth Management, along the east lot line of Lots 11 and 18 adjacent to Emerald Street, entire length of the south lot line of Lots 8, 9 and 10 adjacent to Mars Avenue, the entire length of the east lot line of Lot 8 adjacent to the proposed park, and the entire length of the south lot line of Lot 7 adjacent to the proposed park, until such time as the noise fencing is established for each individual lot at the Site Plan stage. The owner agrees to have the privacy fencing completed within 1 year of registration of the first phase of the plan of subdivision.

Further, the owner/applicant shall, prepare and submit for a typical noise barrier / privacy fence detail for the said lots. The detail shall be prepared by a qualified professional and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.

12. That, **prior to preliminary grading**, the Owner agrees to submit details as to how interim SWM for the development will be handled in the event that individual lots are not developed immediately following servicing. For each undeveloped lot, storage of stormwater and control drainage shall be to predevelopment levels or less on each individual lot. The Final Stormwater Management Report submitted with engineering design shall include all the necessary Stormwater Quantity and Quality Control measures, erosion control for individual lots to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to preliminary grading**, the Owner shall submit a detailed Storm Water Management Report to demonstrate that the flow rate for each lot including up to and the 100 year storm event, does not exceed the design flow rate based on predevelopment conditions, to the satisfaction of the Senior Director of Growth Management.

Further, the final report shall include details as to how the required storm water management measure will be handled for each lot in the event that the lots are not developed immediately following servicing, including: quality, quantity, erosion control, each lot contains own flows in the interim period and/or grade flows towards the municipal system which may include berms on the sides of each lots.

14. That, **prior to preliminary grading**, the Owner shall provide, to the satisfaction of the Senior Director of Growth Management, a plan and/or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

15. That, **prior to servicing**, the Owner prepare a Water Servicing Study demonstrating how residential and fire flows demands will be accommodated based on field information and hydraulic modeling in order to support the application. The report shall focus on the following issues:

- a) Tabularize the expected occupancy;
- b) Generate water demand estimation related to close nodes;
- c) Calculate needed fire flow (via FUS, 1999);
- d) Provide Water Quality Plan to address phasing of the development (i.e. watermain looping/flushing required for interim periods); and,
- e) Utilize some 200mm watermains in proposed watermain layout especially for the extensions of existing watermains;

to the satisfaction of the Senior Director of Growth Management.

16. That, **prior to servicing**, the Owner shall complete video inspections of existing sewer mains as follows:

- Victoria Avenue North – from Freeman Way (Street A) to Ferrie Street (storm sewer only)
- Ferrie Street – from Emerald Street to Victoria Avenue North (storm and sanitary sewers)

- Wentworth Street North – from Mars Avenue to Brant Street (storm sewer only)

to the satisfaction of the Senior Director of Growth Management.

17. That the Owner shall relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., at the Owners expense, to the satisfaction of the Senior Director, Growth Management Division.
18. That, **prior to servicing**, the engineering design and cost schedules shall include provision for trench restoration and road resurfacing with like for like material(s), of Victoria Avenue North due to the installation of the proposed 375mm sanitary main from Street "A" to Ferrie Street. Resurfacing shall include full width of pavement of affected area, and replacement of damaged concrete curb and sidewalk adjacent to the subject lands, at the Owner's expense, to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to servicing**, the engineering design and cost schedules shall include provision for service cuts and road resurfacing with like for like material(s), for the full length of Ferrie Street from the west limit of Lot 15 to the East limit of Lot 18 due to the number of private service installations. Resurfacing shall include full width of pavement of affected area, and replacement of damaged concrete curb and sidewalk adjacent to the subject lands, at the Owner's expense, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the Owner shall submit a proposed plan / schedule for works to be completed on Victoria Avenue North and Wentworth Street North including but not limited to lane closure requirements and construction duration. to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to servicing**, the Owner agrees the lots 9 and 10 shall be connected to the proposed storm main in Street "A" and not be connected to the existing storm sewer on Mars Avenue.
22. That, **prior to the servicing**, the Owner shall include in the engineering design and cost schedules, new concrete sidewalks in the locations listed below, including within the municipal boulevard:
  - Victoria Avenue North: East side of street, from the end of existing sidewalk to the CNR tracks;
  - Mars Avenue: North Side of street, from the end of existing sidewalk to the limit of Wentworth Street North; and,
  - Street A: Both sides of the street, full length.

Existing sidewalks abutting the lands shall also be reconstructed where required including boulevards, to the satisfaction of the Senior Director of Growth Management.

23. That, **prior to servicing**, the Owner include in the engineering and design and cost schedules services to each lot to be installed prior to base course asphalt, to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to servicing**, the Owner submit a geotechnical report and implement the report's recommendations to the satisfaction of the Senior Director of Growth Management.
25. That, **prior to servicing**, the Owner undertake and implement a risk assessment and remediates the property to a standard that would enable the owner to submit and implement a risk assessment prepared by a qualified person, risk assessment (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended) subject to a peer review by a qualified person, risk assessment, who is acceptable to the City, certifying that the property has been remediated to the appropriate levels for the proposed use in accordance with the risk assessment to the satisfaction of the Senior Director of Growth Management. The cost of the peer review will be an eligible cost.
26. That, **prior to servicing**, the Owner include in the engineering design and cost schedules details of the proposed storm sewer connection to Wentworth Street North, including how the new manhole will be constructed without disturbing existing infrastructure, lane closures and direction, and any temporary works, to the satisfaction of Senior Director of Growth Management.
27. That, **prior to servicing**, the owner shall agree in the Subdivision Agreement, in wording satisfactory to CN, to install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.