

**Special Conditions of Draft Plan of Subdivision Approval
for "Binbrook Heights Addition"**

Planning:

1. That, ***prior to registration of the final plan of subdivision***, the owner/applicant shall include the following warning clause for Lots 1-38 in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning:

"Purchasers/Tenants are advised that an Enbridge Pipeline Easement is located to the north of the subject properties. This parcel of land is to remain as open space, green space, or park space, and must be accessible at all times for maintenance, inspection, and alteration of the pipelines. No fill, grading, or landscaping is to occur on Enbridge's right-of-way without prior approval from Enbridge. Furthermore, there are to be no permanent structures within the easement area; and in accordance with the regulations of the National Energy Board Act, any excavation within 30 metres of the pipeline right-of-way and any crossings of the right-of-way will require approval from Enbridge".

2. That, ***prior to registration of the final plan of subdivision***, the owner shall ***agree, in writing***, to withdraw and close Subdivision Application 25T-200609, once Subdivision Application 25T-201109 receives Draft Plan Approval, to the satisfaction of the Senior Director of Growth Management.
3. That, ***prior to the issuance of building permits***, for any lot for a single detached dwelling where an interior side yard setback is less than 1.2m, that the owner shall establish all required maintenance easements or such other mechanism that will allow for maintenance, to the satisfaction of the City Solicitor and Director of Planning. Where a foundation wall must be constructed prior to final determination of the easement location, the owner shall ***agree, in writing***, that the maintenance easements of any other mechanism that has been approved by the City Solicitor and Director of Planning will be established prior to occupancy, all to the satisfaction of the Director of Planning.
4. That, ***prior to registration of the final plan of subdivision***, the owner/applicant shall include the following warning clause in all purchase and sale and/or lease agreements, to the satisfaction of the Director of Planning:

"Garages are intended for use as parking. It is the owner's responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited and cannot be guaranteed in perpetuity."

Engineering:

5. That, ***prior to registration of the final plan***, the owner shall pay to the City any outstanding commutation charges assessed against the lands in the draft plan, which amount represents the owner's share of the Binbrook Village Stormwater Management Pond, in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00, to the satisfaction of the Senior Director of Growth Management.
6. That, ***prior to registration of the final plan***, 7.0 metre by 7.0 metre daylight triangles shall be established on the final plan of subdivision at the corner of Lot 53 and Block 154, to the satisfaction of the Senior Director of Growth Management.
7. That, ***prior to registration of the final plan***, 4.5 metre by 4.5 metre daylight triangles shall be established on the final plan of subdivision at the corner of Lots 43, 54, 113, 114 and Block 148, to the satisfaction of the Senior Director of Growth Management.
8. That, ***prior to registration of the final plan***, the final plan of subdivision shall include sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner's certificate on the plan, to establish the widened limit of Fall Fair Way at 15 metres from the center line of the original road allowance, to the satisfaction of the Senior Director of Growth Management.
9. That, ***prior to registration of the final plan***, Block 155 shall be dedicated to the City of Hamilton as a public walkway, by the owner's certificate on the final plan of subdivision, to the satisfaction of the Senior Director of Growth Management.
10. That, ***prior to registration of the final plan***, there is sufficient sanitary servicing capacity available, including but not limited to, upgrades to the Binbrook Sanitary Sewer Pumping Station, all to the satisfaction of the Senior Director of Growth Management.
11. That, ***prior to registration of the final plan***, if required, the owner shall dedicate easements for conveying external drainage, to the satisfaction of the Senior Director of Growth Management.
12. That, ***prior to servicing***, the owner shall include in the engineering design for the draft plan lands, installation of a minimum 1.5 metre high galvanized chain link fence along the rear yard of Lots 1 to 37, inclusive, which yards abut the easement (PIN 17384-1028 in favour of the Interprovincial Pipeline Company), and the side yard of Lots 68, 69, 98, and 99, which abuts the City public walkway, to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to servicing**, the owner shall indicate all driveway locations on the engineering drawings for all lots, and further, that the driveways shall be established outside of the daylight triangles (Lot 53 shall not have driveway access to Fall Fair Way), to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the owner shall prepare a Groundwater Study, prepared by a qualified professional, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns and provide municipal water and sewer services, as required, at the developer's expense, to any property that may be negatively impacted, all to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to servicing**, the owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction, and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the owner, to the satisfaction of the Senior Director of Growth Management.
16. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules the installation of sidewalks, in accordance with current City Policies and to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to servicing**, the owner shall prepare an on-street parking plan for Festival Way and Fairgrounds Drive, based on the premise of achieving on-street parking for 40% of the total number of single detached units, to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the owner shall provide a plan 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, to the satisfaction of the Senior Director of Growth Management.

19. That, **prior to servicing**, the owner shall complete a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development. The report shall also focus on the following issues:
 - (a) Tabularize the expected occupancy;
 - (b) Generate residential and institutional water demand and fire flow calculation for this development;
 - (c) Demonstrate how the proposal fits with GRIDS numbers;
 - (d) Confirm the water servicing layout based on field information and hydraulic models; and,
 - (e) Provide the new hydrant locations on the Water Distribution Plan;all to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the Owner shall prepare and agree to implement a stormwater management plan for the subject lands in accordance with Binbrook Flooding Assessment report prepared by AMEC, the post development flows must be controlled to capacity (on surcharged condition) of the receiving pipes on Fall Fair Way for all storm events up to and including 100 year storm, to the satisfaction of Senior Director of Growth Management.
21. That, **prior to servicing**, the owner shall acknowledge that servicing cannot commence until downstream vegetation removal works in the channel have been completed, to the satisfaction of the Senior Director of Growth Management.
22. That, **prior to servicing**, the Owner shall submit a detailed sump pump design to include a secondary relief/overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on the groundwater and severe wet weather conditions as determined in Condition No. 14, to the satisfaction of the Senior Director, Growth Management Division.
23. That, **prior to servicing**, the Owner include in the engineering design and cost schedules provision for a minimum of 2.0m separation between foundation walls in order accommodate any rear yard catch basin which requires an overland flow route to the road with a maximum ponding depth of 0.30m on rear lot catch basins, to the satisfaction of the Senior Director, Growth Management Division.

Traffic:

24. That, **prior to registration**, of any phase of the draft plan, the owner, based on the three-party developer Cost Sharing Agreement, shall agree to provide the City

with an updated Traffic Impact Study to investigate what additional capacity for all parties beyond the current cap of 900 units may exist at the signalized intersection of Regional Road 56 and Fall Fair Way. The report shall include revised trip generation rates for proposed housing units, current build out analysis and travel patterns, and the previously approved Binbrook Transportation Master Plan. Registration of any phase of the draft plan will be capped at the developer's share of this updated development cap, less units already built, as outlined in the aforementioned agreement, to the satisfaction of the Senior Director of Growth Management and the Director of Environmental Services and Infrastructure.

Niagara Peninsula Conservation Authority:

25. That, **prior to servicing**, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Niagara Peninsula Conservation Authority. The approved plan should include the following notes:
- i. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - ii. All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - iii. Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7-days of the completion of that particular phase of construction; and,
 - iv. All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
26. That, **prior to servicing**, the applicant shall prepare and implement a lot grading and drainage plan, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the lands, to the satisfaction of the Niagara Peninsula Conservation Authority.

Enbridge Pipeline:

27. That, **following registration of the plan**, the **owner** shall **agree** to provide Enbridge with an electronic file of the registered plan in a Shapefile (.SHP) format containing the attributes associated with each feature. Land parcels shall be polygon features and contain attributes such as Parcel ID, legal land description, ownership information, and property boundary. All files shall be geo-referenced utilizing a projected co-ordinate system, preferably UTM NAD83, to the satisfaction of the Senior Director of Growth Management.