

Conditions of Draft Plan Approval for 25T-201106, 1261 Mohawk Road West

That this approval apply to the Draft Plan of Subdivision, 25T201106, prepared by E.J. Grenkie., O.L.S., dated June 5, 2015, showing six lots (Lot 1-6) for single detached dwellings, one Block (Block A) for Road Widening, one block (Block B) for Common Element Roadway, and one block (Block C) for proposed right of way subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following special conditions.

Prior to Registration:

1. The Owner agrees to pay their proportionate share of the total cost of urbanization of Mohawk Road to the satisfaction of the Senior Director of Growth Management.
2. The Owner agrees to dedicate Block 'A' to the City as a public highway by the owner's certificate on the Final Plan of Subdivision, for widening of Mohawk Road West, to the satisfaction of the Senior Director of Growth Management.
3. The Owner agrees to construct a 300 mm storm sewer within the private road and extend storm services from the beginning of the private storm sewer, at the entrance of the private road, to the 1200 mm culvert 60 m east of subject land along Mohawk Road at their cost, to the satisfaction of the Senior Director of Growth Management.

Prior to Preliminary Grading:

4. The Owner shall provide plan showing the following, to the satisfaction of the Senior Director of Growth Management:
 - i. the entrance driveway from Mohawk Road;
 - ii. the location of transit pads, community mailbox pads, and fire hydrants, lighting pole where the locations has been determined by the appropriate authorities.
5. The Owner shall submit a detailed Stormwater Management (SWM) Report, prepared by a qualified engineer, that demonstrates how quality and quantity control criteria will be handled, in accordance with MOE Stormwater Management Manual (2003) and the City of Hamilton's Storm Drainage Policy, Criteria and Guidelines for Stormwater Infrastructure Design, to the satisfaction of the Senior Director of Growth Management Division and the Hamilton Conservation Authority.
6. That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources

found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and Chief Planner and the Ministry of Tourism Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Prior to Servicing:

7. The Owner agrees that the design of roads shall be carried out by a qualified Engineering Specialist and shall be such that the Owner shall endeavour to avoid the use of retaining walls or slopes steeper than 3:1. If a retaining wall is required, it shall be included in all engineering design drawings and cost estimates schedules to the satisfaction of the Senior Director of Growth Management.
8. The Owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks (along Mohawk Road), in accordance with the current City of Hamilton Policy, and to the satisfaction of the Senior Director of the Growth Management.
9. 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 by a hydrogeological study, to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing**, the owner shall agree to construct acoustical barriers along the alignments shown schematically in Figure 4 of the Environmental Noise Impact Study dated July 2011 prepared by dBA Environmental Services. The acoustical barrier shall have a minimum height of 1.8 m and be constructed of a material with a minimum surface density of 20 kg / sq m (four pounds per square foot) and be in a continuous line without openings or gaps, to the satisfaction of Director of Planning and Chief Planner.
11. That, **prior to servicing**, the owner shall include in the engineering design for the subject lands, the inclusion of acoustical barriers, as per Figure 4 of the Environmental Noise Impact Study dated July 2011 prepared by dBA Environmental Services., with a recommended minimum height of 1.8 m. The acoustical barriers are to be shown on the final grading plan, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction. The final height of the acoustical barrier may change based on final grading information once it becomes available.

12. That, **prior to servicing**, the owner shall submit an engineering design for the private services and condominium road to the satisfaction of the Senior Director of Growth Management.

Prior to Registration

13. That, **prior to registration**, a Professional Engineer qualified to provide acoustical engineering services in Ontario, shall issue a letter certifying that an acoustical barrier has been installed and is in compliance with the recommendations of the Environmental Noise Study dated July 2011 prepared by dBA Environmental Services, as approved, to the satisfaction of the Director of Planning and Chief Planner and the Manager of Engineering Design and Construction.
14. That, **prior to registration**, the Owner agree, in writing, to provide Cash-in-lieu of Parkland, as provided for under Section 51 of the *Planning Act*, and in accordance with the City's Parkland Dedication By-law No. 09-124. The Cash-in-Lieu payment shall be required prior to the issuance of a building permit, based on the market value of the lands of the day prior to the day of draft approval, and the calculation of the payment is based upon the unit count, as shown on the final M Plan. The development may be subject to the alternate dedication rate of one hectare per 300 dwelling units if the density of development is between 20 and 75 dwelling units per hectare, inclusive; a rate of 0.6 hectares per 300 dwelling units if the density of development is between 75 and 120 units per hectare, inclusive; and a rate of 0.5 hectares per 300 dwelling units if the density of development is greater than 120 units per hectare.
15. That **prior to registration**, the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:

To the satisfaction of the Manager of Hamilton Municipal Parking System:

- (a) Garages provided are intended for use as parking. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated on site.
- (b) It is the responsibility of the property owner / tenant to ensure that the parking provided on site is sufficient for his / her needs. Parking in the surrounding neighbourhood is highly restrictive and on-street parking along the condominium road is not available.

To the satisfaction of the Director of Planning and Chief Planner:

- (c) Purchasers / tenants of **Lot 5** are advised that despite the inclusion of noise control features in this development area and within the building units, sound levels due to increasing road traffic may continue to be of concern, occasionally interfering with the activities of the dwelling occupants as the sound levels exceed the noise criteria of the Municipality and the Ministry of the Environment.
- (d) Purchasers / tenants of **Lot 1 - 4 and 6** are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality and the Ministry of the Environment.
- (e) Purchasers / tenants of **all lots** are advised that this dwelling unit was fitted with a forced air heating system and the ducting, etc. sized to accommodate a central air conditioning unit. Air conditioning can be installed at the owner's option and cost. (Note: Air cooled condenser unit should be located in a manner so as to minimize the noise impacts in sensitive locations on the subject property and in the immediate vicinity of the subject property).
- (f) Purchasers / tenants of lots 1 - 5 are advised that the rear fencing must be maintained and the instillation of gates in the rear fence to gain access to the natural area is not permitted.

To the satisfaction of Manager of Operations and Waste Management Division, Public Works:

- (g) That all waste streams (garbage, recycling, organics & leaf and yard waste) will not be picked up from individual properties. Residents are responsible for ensuring that all waste streams (garbage, recycling, organic & leaf and yard waste) are set curbside in front of the entrance to the Subdivision on Mohawk Road.

To the satisfaction of Canada Post:

- (h) That the home / business mail delivery will be from a designated Centralized Mail Box.
- (i) That the developer / owner be responsible for official notifying the purchasers of the exact Centralized Main Box locations prior to the closing of any home sale.

16. That, **prior to registration**, the owner amend the Environmental Noise Impact Study to reflect the increase in the total number of units from four single detached lots to six single detached lots, and to implement any requirements outlined in the amended Environmental Noise Impact Study, to the satisfaction of the Director of Planning and Chief Planner.
17. That, **prior to registration**, the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to 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.
18. That, **prior to registration**, the owner agree to the following to the satisfaction of Canada Post:
 - (a) Work with Canada Post to determine and provided temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevard and sidewalks are in place in the remainder of the subdivision.
 - (b) Install a concrete pad in accordance with the requirements of, and in location to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.
 - (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb instillation within each phase of the Plan of Subdivision.
 - (g) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
19. That, **prior to registration**, the owner agrees to the following to the satisfaction of the Director of Planning and Chief Planner:
 - (a) That the applicant will place a fence between the ESA and the rear lots. A warning clause in the purchase agreement should state that gates are not permitted within this fencing to gain access to the natural area.
 - (b) That, prior to tree removal, the owner is aware of the *Migratory Birds Convention Act*, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (May 1 to July

- 31). However, in the event that vegetation removal is proposed during the restricted breeding period, the owner / applicant shall have a qualified biologist conduct a nest search of the vegetated area prior to any work commencing. Tree removal may occur if it is determined that active nests are not present in the removal area.
- (c) That, the owner / developer submit a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the approved Tree Protection Plan. The Landscape Plan shall show compensation plantings for the 26 private trees to be removed on site. If there is not room to plant all of these trees on site, cash-in-lieu will be provided to Forestry Section to plant trees elsewhere in the City. The Landscape Plan shall also show the placement of all street trees.
20. That, **prior to registration**, the owner demonstrate that an easement exists or establish an easement over the Common Element Condominium Road for access purpose and in favour of the property at 1263 Mohawk Road, to the satisfaction of the Director of Planning and Chief Planner.

Hamilton Conservation Authority

21. That the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
- (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
- (b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;
- (c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within seven days of the completion of that particular phase of construction; and,
- (d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
22. That the applicant implement the following conditions which were recommended by ESAIEG, to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority:

- (a) That the applicant clean up all debris and litter along the wooded edge of the ESA which abuts the property.
 - (b) That the applicant provide compensation planting within the Iroquoia Heights ESA in-lieu of providing a buffer to the ESA. ESAIEG would like to review the planting recommendations for the ESA.
23. That, **prior to preliminary grading**, the applicant prepare a Tree Protection Plan prepared by a certified arborist or landscape architect at the Owner's expense and to the satisfaction of the Director of Planning and Chief Planner and the Hamilton Conservation Authority.

City Cost Sharing:

It is not anticipated that there will be any City share for the proposed subdivision. However, if required cost share will be as per City's Financial Policies.

Notes to Draft Plan Approval

- Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three Years. However, extensions will be considered if a written request is received before the draft approval lapses.
- That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.