

That this approval apply to the Draft Plan of Subdivision, 25T-201504, prepared by Urbex Engineering Limited and certified by Dan McLaren, O.L.S., dated, December 19, 2014, consisting of 42 lots for single detached dwellings (Lots 1 – 42), two blocks for 0.30 m reserves (Blocks 43 & 44) and one public road (the extension of Klein Circle) subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Development Planning, Heritage and Design

1. That **prior to grading**, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report 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 and Chief Planner.
2. That, **prior to any grading and / or servicing**, the owner shall submit a Tree Protection Plan, which shall address Natural Heritage Planning staff concerns outlined in comments dated Dec. 3, 2015, to the satisfaction of the Director of Planning and Chief Planner. Removal of trees is not to occur until this condition has been satisfied. A total of 285 trees (representing 1 for 1 replacement) will be required for compensation.
3. That, **prior to registration**, the owner shall provide cash-in-lieu at a rate of \$ 590.00 per tree to the City in the event that the owner cannot provide for any of the required 285 trees within the development, to the satisfaction of the Director of Planning and Chief Planner.
4. That, **prior to registration**, the owner / applicant shall provide a Landscape Plan that has been prepared by a Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the approved Tree Protection Plan to the satisfaction of the Director of Planning and Chief Planner. Due to the large number of trees that will be removed from the site, the planting rate will be two street trees for the front yard (where possible). These trees are to have a minimum caliper size of 50 mm DBH. The Landscape Plan is to comprise of at least 60 percent native species.
5. That, **prior to any grading or servicing**, the owner / applicant 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 (which is March 31st to August 31st). 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 with City's Natural Heritage Planning

staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity to the removal area, to the satisfaction of the Director of Planning and Chief Planner.

6. That, **prior to grading and / or servicing**, the owner / applicant is to erect tree protection fencing, to the satisfaction of the Director of Planning and Chief Planner, around those trees that are to be protected as outlined within the approved Tree Protection Plan.
7. That, **prior to any grading and / or servicing**, the owner / applicant is to provide a Verification of Tree Protection Letter completed by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) to the satisfaction of the Director of Planning and Chief Planner to confirm that all tree protection measures have been installed according to the approved Tree Protection Plan.

Hamilton Conservation Authority (HCA)

8. That the applicant obtain a permit from the HCA under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04* prior to any watercourse alteration, construction and / or grading activities within the HCA's regulated area.
9. 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.
10. That the applicant prepares and implements a lot grading plan to the satisfaction of the HCA.

Development Engineering

11. That, **prior to registration**, the Owner agrees to pay its proportionate share of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of 296 Springbrook Ave to the south limits of 312 Springbrook Ave, to the Satisfaction of the Senior Director of Growth Management.
12. That, **prior to registration**, the Owner includes 0.3m reserves across the frontages of Lots 1 to 4, 41 and 42 inclusive. Further, that the reserves shall remain until such time as Springbrook Avenue has been fully urbanized.
13. That, **prior to preliminary grading**, in the event that the Owner of "Meadowlands Phase 10 (25T-200613)" subdivision, has not initiated the reconstruction of Springbrook Avenue, then the Owner may, at the discretion of the Senior Director Growth Management, proceed to reconstruct Springbrook Avenue from the northern limit to the southern limit of the draft plan of subdivision.
14. That, **prior to registration**, the Owner agrees to urbanize Springbrook Avenue from the northern limit to the southern limit of the draft plan of subdivision. The owner shall fully connect existing dwellings at 296 & 312 Springbrook Avenue to municipal services including fully decommissioning existing septic tanks, all of the above to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to registration**, the Owner agrees to cost share with the existing residents 296, 304 and 312 Springbrook Avenue for a substantial portion of the sanitary sewer cost and sanitary sewer private drain connections for urbanization of Springbrook Avenue as per Ontario Municipal Board (OMB) Decision No. 1493 to the satisfaction of the Senior Director of Growth Management.
16. That, **prior to registration**, the owner shall agree in the Subdivision Agreement to pay their proportionate share of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection and will provide the City sufficient securities for its proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West to the satisfaction of the Manager of Traffic Engineering and Operations.
17. That, **prior to registration**, sanitary sewers, storm sewers and road access are available to service the lands of the draft plan or alternatively, the Owner acquires the necessary land or easements and pays the full cost, less over-sizing, to construct sanitary sewers, storm sewers or road access to service the lands of the draft plan to the satisfaction of the Senior Director of Growth Management.

18. That, **prior to preliminary grading**, the Owner shall include in the engineering design and cost estimate schedule suitable transition grading when matching into existing properties, further the use of retaining walls will only be permitted, if agreed upon and to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to preliminary grading**, the Owner shall submit a revised grading plan demonstrating that drainage parameters for the subject lands are consistent with those used for the Dussin Estates Stormwater Management plan and external drainage from the Redeemer lands will be adequately, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to Registration**, the Owner shall contribute a proportionate share for maintenance responsibilities of the receiving stormwater management facility in Dussin Estates Subdivision including the removal of deposited solids to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to servicing**, the owner shall submit a water distribution analysis of the water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Senior Director of Growth Management. The Report shall also focus on the following issues:
- 1) Tabularize the expected occupancy;
 - 2) Generate residential and institutional water demand and fire flow, and the necessary calculation for this development;
 - 3) Demonstrate how the proposal fits with GRIDS numbers;
 - 4) Confirm the water servicing layout based on field information, as well as hydraulic models; and,
 - 5) Provide the new hydrant locations on the Water Distribution Plan.
22. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate installation of a minimum 1.5 m high chainlink fence along the rear yards of lots 32 to 40 which rear yards abut Redeemer University Lands to the satisfaction of the Senior Director of Growth Management.
23. That, prior to registration, the Owner / applicant agrees to include the following warning clauses in all purchase and sale and / or lease agreements and registered on title for lots 32 to 40, that abut Redeemer University, to the satisfaction of the Director of Planning and Chief Planner:
- a) While the lands abutting the rear and / or side yards of this property is currently vacant, they are owned by Redeemer University and as such may be developed

in the future for any number of uses, including but not limited to: educational buildings, recreational facilities and / or student housing.

b) For the fences to be built on the rear and / or side yards of lots 32 to 40, gates shall be prohibited.

24. That, **prior to servicing**, the Owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works, as recommended, including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case where: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including but not limited to house construction; iii) sump pumps are found to be continuously running; iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Senior Director of Growth Management.
25. That, **prior to servicing**, the Owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. To address any concerns, the study shall propose appropriate mitigation measures to be implemented by the Owner, to the satisfaction of the Senior Director of Growth Management.
26. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate provisions for the construction and removal of any required temporary turning circles to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates, provision to install municipal sidewalks, in accordance with the current City of Hamilton Policy in following locations:
- i. From the north limit to the south limit of subdivision on Springbrook Avenue;
 - ii. East Klien Circle west side only full length; and,
 - iii. West Klien Circle east side only full length,
- to the satisfaction of the Senior Director of the Growth Management.
28. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules, the provision for a detailed sump pump design which shall include a secondary relief / overflow on surface and back-up power unit. The pump design shall consider the weeping tile inflow based on both the groundwater and

severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.

29. That, **prior to servicing**, the Owner shall provide a driveway location / on-street parking plan showing the following, to the satisfaction of the Senior Director of Growth Management:
- i) the location of driveways based on the premise of achieving on-street parking for 40% of the total dwelling units;
 - ii) driveway ramps and curb openings for all lots;
 - iii) the pairing of driveways;
 - iv) where lots in the subdivision abut a park entrance or a public walkway; and;
 - v) the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.

COST SHARING

Acknowledgement by the City of Hamilton that cost sharing within this development shall be in accordance with the City's financial policy as approved by the Senior Director of Growth Planning, subject to the following:

1. The **Owner** shall share the proportionate amount of the actual cost for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the north limits of 296 Springbrook Ave to the south limits of 312 Springbrook Ave, to the Satisfaction of the Senior Director of Growth Management.
2. The **Owner** shall share the proportionate amount of the costs of the Traffic Study required for the Garner Road and Springbrook Avenue intersection; and the proportionate share of the necessary Garner Road and Springbrook Avenue intersection improvement costs, based on its proportionate share between Meadowlands Phase 8, Meadowlands Phase 10, and Springbrook Meadows East and West.
3. The **Owner** shall share the proportionate amount of the costs for the urbanization of Springbrook Avenue, in accordance with the financial policies for development.
4. The **Owner** will be participating in the cost of sewers on Springbrook Avenue for the existing residents, in accordance with OMB decision No. 1493.

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.