

**Special Conditions for Draft Plan of Subdivision Approval****For "Eringate Court" 25T-201509**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201509, prepared by A.T. McLaren Limited and certified by Dan McLaren, O.L.S., dated, September 8, 2015, consisting of 27 lots for single detached dwellings (Lots 1 – 27), one block for a street widening (Block 28), and one public road (the extension of Eringate Court) 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 will be satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. Also, a warning clause will be required in all agreements of purchase of sale / lease for lots 8 – 15 noting the presence of a noise attenuation wall on these lots and that the property owners will be required to maintain the noise wall in perpetuity. As such, an update to the noise study titled "Environmental Noise Assessment Report – Eringate Court – City of Hamilton, Silvestri Investments", prepared by S. Llewellyn & Associates Limited Consulting Engineers, dated July 2015 shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
2. 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 General Vegetation Inventory (GVI) prepared by Adesso Design Inc. (dated August 8, 2015), and an enhanced noise wall (including decorative elements) along Rymal Road East with regards to the noise control measures outlined in Condition No. 1 above, shall be submitted to the to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner.
3. 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 November 13, 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.
4. 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 31<sup>st</sup> to August 31<sup>st</sup>). 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 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.

### **Hamilton Conservation Authority (HCA)**

5. That, **prior to grading**, the applicant obtain a permit from the Hamilton Conservation Authority 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 HCA's Regulated Area, to the satisfaction of the Hamilton Conservation Authority.
6. That, **prior to grading**, 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 Conservation 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 7 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.
7. That, **prior to grading**, the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
8. That, **prior to grading**, the applicant prepares and implements a stormwater management plan for the subject property to the satisfaction of the Senior Director, Growth Management Division , City of Hamilton and the Hamilton Conservation Authority. The approved plan shall implement the recommendations of the Stormwater Management Report for Hampshire Place and Eringate Court, dated March 2016, by AMEC as applicable to the draft plan lands.

**Development Engineering**

9. That, **prior to registration**, the plan of subdivision shall include a block showing 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 Rymal Road East at 60 feet (18.288 metres) from the center line of the original road allowance, to the satisfaction of the Senior Director, Growth Management Division.
10. That, **prior to registration of the plan of subdivision**, 4.5 metre by 4.5 metre daylight triangle(s) be established on the plan of subdivision at the corner of Lot(s) 26 and 27 at the "L" shaped bend on Eringate Court extension, to the satisfaction of the Senior Director, Growth Management Division.
11. That, **prior to registration of the plan of subdivision**, the Owner shall pay their proportionate share of the cost for urbanization road works, less over-sizing, on Rymal Road East adjacent to Block 28 and Lots 9 to 15, inclusive, of the draft plan based on the City's "New Roads Servicing Rate in effect at the time of payment, to the satisfaction of the Senior Director, Growth Management Division.
12. That, **prior to registration of the plan of subdivision**, the Owner shall pay the outstanding servicing costs associated with the removal of the 0.3m reserve described as Block 155 on Plan 62M-964, to the satisfaction of the Senior Director, Growth Management Division.
13. That, **prior to registration of the plan of subdivision**, the plan of subdivision shall include a block showing 0.3 m reserve adjacent to the Rymal Road East right-of-way to be dedicated to the City of Hamilton by the Owner's certificate on the plan, to the satisfaction of the Senior Director, Growth Management Division.
14. That, **prior to registration of the plan of subdivision**, the Owner shall submit a parking plan to demonstrate that 40 % of on-street parking, based on the total number of dwellings, is provided on Eringate Court extension, and identify any on-street parking restrictions, and include a copy of the on-street parking plan in all offers of purchase and sale, to the satisfaction of the Senior Director, Growth Management Division.
15. That, **prior to servicing**, the Owner agrees to include in the engineering design provision for an overland flow route, from the rear portion of the proposed lots to a municipal road allowance, with the maximum ponding depth of 0.3 m over the top of rear yard catchbasin within the draft plan lands and to the satisfaction of the Senior Director, Growth Management Division.
16. That, **prior to servicing**, the Owner agrees to include provision for installation of a sump pump completed with a secondary relief / overflow for each lot within the draft plan lands, to the satisfaction of the Senior Director, Growth Management Division.

17. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision to upsize the existing 150mm dia. watermain stub on Eringate Court including the costs for full width existing pavement replacement, at 100% their expense, and to the satisfaction of the Senior Director, Growth Management Division.
18. That, **prior to servicing**, the Owner shall agree to include in the engineering design and cost estimate schedule provision to implement a storm water management plan for the subject lands to:
- i) Demonstrate that the detailed design has been verified by the original model to confirm that the Hydraulic Grade Line (HGL) match pre-development conditions downstream of the site for all storm events up to and including the 100 year storm.
  - ii) Implement the recommendations of the SWM Report for Hampshire Place and Eringate Court, dated March 2016, by AMEC as applicable to the draft plan lands; and,
  - iii) provide adequate major overland flow route for the 100 year storm event from the draft plan lands to the existing Shadyglen Pond, without impact to the downstream properties;

all at 100% Owner's costs and to the satisfaction of the Senior Director, Growth Management Division.

### **Corridor Management**

19. That, **prior to grading**, the Owner will be required to remove all redundant driveways and culverts on Rymal Road East and re-instate the shoulder and ditch area, to the satisfaction of the Director of Engineering Services, Public Works.
20. That, **prior to registration**, the Owner shall prove that all driveways for the proposed lots on Eringate Court will be maintained within the limits of the subject lot and not encroach in the corner lots onto the adjacent property frontage, to the satisfaction of the Director of Engineering Services, Public Works.

### **COST SHARING**

There is no City cost share for completion of the proposed works for the draft plan lands.

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.