

Recommended Conditions of Draft Plan of  
Subdivision Approval 25T-201508

That this approval for the Revised Draft Plan of Subdivision, 25T-201508, prepared by A.T. McLaren Limited, Legal and Engineering Surveys., dated December 1, 2016 consisting of one block (Block 1) for Open Space, and one block (Block 2) for the development of a maximum of 210 dwelling units on a condominium road; be received and endorsed by City Council with the following special conditions:

**Development Planning, Heritage and Design**

1. That **prior to registration**, the Owner receive approval from the Ministry of Tourism, Culture and Sport for an Archaeological Assessment to the satisfaction of the Director of Planning and Chief Planner.
2. That **prior to registration** and the demolition of the existing school that provides habitat for Chimney Swift, the Owner shall provide evidence of compliance with the Endangered Species Act, 2007 from the Ministry of Natural Resources and Forestry (MNR) to the satisfaction of the Director of Planning and Chief Planner.
3. That **prior to registration**, the Owner agrees that should it be determined through detailed design that grade changes are required in order to accommodate development of lots / blocks adjacent to the Open Space Block, any grade changes must be accommodated outside of the Vegetation Protection Zone (VPZ) and the lot lines must be adjusted accordingly, to the satisfaction of the Hamilton Conservation Authority and the Director of Planning and Chief Planner.
4. That **prior to registration**, the Owner shall prepare a VPZ Restoration Plan to the satisfaction of the Director of Planning and Chief Planner. The VPZ Restoration Plan is to include all native trees, shrubs, and perennial material and no one species should account for more than 20% of the total material as well as a discussion on how invasive species will be removed.
5. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of driplines, edges of existing plantings, location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner.

6. That, **prior to preliminary grading** and the removal of trees, the Owner agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (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 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 of the removal area, to the satisfaction of the Director of Planning and Chief Planner.
7. That **prior to Building Permit Application**, the Owner shall erect a permanent 1.5 metre high black vinyl coated heavy duty chain-link fence at the boundary of the P5 Conservation / Hazard Zone (Open Space Block) to the satisfaction of the Senior Director, Growth Management Division.
8. That **prior to preliminary grading**, the Owner shall prepare and implement an invasive species management plan to the satisfaction of the Director of Planning and Chief Planner.
9. That **prior to grading**, the City shall receive a Site Remediation Report, stamped and signed by a Qualified Professional, for Block 2 to confirm the items of concern noted in the Phase 1 Environmental Site Assessment dated August 12, 2014 have been addressed and the site is within the site condition standard of Table 2 RPI to the satisfaction of the Director of Planning and Chief Planner.

### **Development Engineering**

10. That, **prior to registration of the Plan of Subdivision**, a 9.14 metre by 9.14 metre daylight triangle be established at the northwest corner of the intersection between Quigley Road and Albright Road on the final plan of subdivision to the satisfaction of the Senior Director, Growth Management Division.
11. That, **prior to registration of the Plan of Subdivision**, the Owner agrees to submit a phasing plan to show the phasing to facilitate development of a maximum of 139 units and Phase 2 for the balance of the development of the subject lands upon resolving the capacity issue with the existing sanitary sewer on Quigley Road to the satisfaction of the Senior Director, Growth Management Division.
12. That, **prior to registration**, the Owner shall obtain approval from the City and all external Agencies to delineate the top of stable slope on the subject lands to the satisfaction of the Senior Director, Growth Management Division.

13. That, **prior to registration**, the Owner agrees in writing to submit the necessary transfer deeds to the City's Legal Services to convey Block 1, open space, on the draft plan to the City of Hamilton to the satisfaction of the Senior Director, Growth Management Division and the City Solicitor.
14. That, **prior to registration**, the Owner agrees in writing to submit necessary transfer deeds to the City's Legal Services to convey the lands described as Part 3 on Plan 62R-19657 to the City of Hamilton to the satisfaction of the Senior Director, Growth Management Division and the City Solicitor.
15. That, **prior to preliminary grading**, the Owner submits a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes, all at the Owner's expense and to the satisfaction of the Senior Director Growth Management Division.
16. That, **prior to servicing**, the Owner agrees that all permits from the City and external agencies are in place to establish a new storm outfall for the site within the Open Space 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 250mm dia. sanitary sewer on Quigley Road from the future junction to the existing 375mm dia. sewer downstream of the site, at 100% Owner's costs and to the satisfaction of the Senior Director, Growth Management Division.
18. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for installation of a 1.5m high black vinyl coated heavy duty chainlink fence along the south side of Block 1 and adjacent to the lands described as Part 1 on Plan 62R-10588; and Part 1 and Part 3 on Plan 62R-19657, at 100% Owner's costs and to the satisfaction of the Senior Director, Growth Management Division.
19. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for the abandonment of all unused services within the municipal right of way at the Owner's expense and to the satisfaction of the Senior Director, Growth Management Division.
20. That, **prior to registration**, the Owner agrees in writing to submit additional information to the City to demonstrate that the hydraulic grade line (HGL) for the post development:
  - a) In case of the 100-Year storm event HGL, is at or below the top of grate elevation at all inlet locations; and,

- b) In case of the 5 year HGL, does not exceed the obvert of the sewers; and to demonstrate no negative impact on the adjacent lands prior to conditional Site Plan approval; all to the satisfaction of the Senior Director, Growth Management Division.
21. That, **prior to registration**, the Owner agrees in writing to register a servicing easement over the draft plan lands to provide for a storm and sanitary outlet for the adjacent lands to the west, described as Part 1 on 62R-10588 and Part 1 on 62R-19657 to the satisfaction of the Senior Director, Growth Management Division.

### **Hamilton Conservation Authority**

22. That **prior to preliminary grading**, the Owner submits final Tree Preservation and Restoration Plans for the property and adjacent lands, prepared in support of the Environmental Impact Statement (EIS), to the satisfaction of the Manager of Watershed Planning, Hamilton Conservation Authority.
23. That **prior to preliminary grading**, the Owner prepares a grading plan and an erosion and sediment control plan for the property and adjacent lands, to the satisfaction of the of the Manager of Watershed Planning, Hamilton Conservation Authority.
24. That **prior to preliminary grading**, the Owner prepares a final stormwater management plan for the property and adjacent lands, to the satisfaction of the Manager of Watershed Planning, Hamilton Conservation Authority.

### **Canadian Pacific Railway**

25. That **prior to registration**, the Owner shall include on the final plan and provide securities for a berm to be designed to have extensions or returns at the ends, to be erected entirely on the subject lands, parallel to the railway right-of-way with construction to provide a minimum berm height of 2.5 metres and slopes not steeper than 2.5 to 1 to the satisfaction of the Real Estate, Canadian Pacific Railway.
26. That **prior to registration**, the Owner shall include on the final plan, and provide securities for, a wall for noise mitigation to be designed without openings of a durable material weighing not less than 20 kg per square metre of surface area which shall be located abutting the northerly end unit of Block 14 to the satisfaction of the Manager of Real Estate, Canadian Pacific Railway.

27. That **prior to registration**, the Owner shall register a covenant to protect the fence in all deeds, which shall oblige the purchasers of the land to maintain the fence in a satisfactory condition at their expense to the satisfaction of the Manager of Real Estate, Canadian Pacific Railway.

28. That **prior to registration**, the Owner shall construct a 1.83 metre high chain link security fence along the common property line of the Railway and the development by the developer at his expense to the satisfaction of the Manager of Real Estate, Canadian Pacific Railway.

### **Corridor Management**

29. That **prior to registration** the Owner shall provide securities for the cost of damage to the boulevard, sidewalk or roadway on Quigley Road to the satisfaction of the Director of Public Works.

### **Recreation Services**

30. That **prior to registration**, the perimeter of private lots shall be fenced with 1.5 metre high solid board fence, where they back onto the City of Hamilton Community Centre lands and the northwest lot line abutting lands owned by the City of Hamilton shall be fenced with a minimum 1.5 metre chain link fence to the satisfaction of the Manager of Business Support, Recreation Services Division.

### **Hamilton Wentworth District School Board**

31. That **prior to registration**, the Owner shall construct at their expense a non-climbable chain link fence with a minimum height of 1.2 metres inside the boundary line where the Ridgecrest Estates Inc. property abuts the Hamilton-Wentworth District School Board property to the satisfaction of the HWDSB, Director of Real Estate.

### **Director of Growth Planning**

32. That **prior to registration**, the Director of Planning and Chief Planner must be satisfied that Conditions (1) to (32) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

### **CITY COST SHARING**

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

NOTES FOR SUBDIVISION:

1. The mitigation measures for noise, which include a berm and noise barrier, shall be included as details and specifically addressed on the future Site Plan Control application.