

Special Conditions for Draft Plan of Subdivision Approval**For "Mountaingate" 25T-200723(R)**

That this approval apply to the Draft Plan of Subdivision, 25T-200723(R), prepared by ODAN-DETECH Consulting Engineers and certified by Bruce MacLeod, O.L.S., dated, September 12, 2017, consisting of 217 lots for single detached dwellings (Lots 1 – 36, 71 – 159, 245 – 259, 284 - 360), 143 lots for street townhouse units (Lots 37 – 70, 160 – 244, and 260 – 283), one block for 69 back-to-back and stacked townhouse units (Block 361), one block for institutional or 228 medium density residential units (conventional; back-to-back, stacked and / or stacked townhouse units) (Block 362), one commercial block (Block 363), one block for a future road widening (Block 364), one open space block (Block 365), one future servicing block (Block 366), one neighbourhood park (Block 369), three blocks for servicing corridor (Blocks 370, 371, and 372), two natural open space blocks (Blocks 373 and 376), two Stormwater Management Blocks (Blocks 374 and 375), and one future residential block (Block 377), one block for a 0.3 m reserve (Block 367), one block for a vegetation protection zone (Block 368), proposed Street "A", Street "B", Street "C", Street "D", Street "E", Street "F", proposed Mountaingate Road, the extension of Rosebury Way, and the extension of Provident Way, 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 registration**, the owner / applicant agrees to include the following clauses, for the following lots, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

All Lots:

"Purchasers / tenants are advised that their property is located within the Airport's noise influence area."

Lots 1-7:

Warning Clause "B":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "C":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by

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the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Lots 8, 15, 60 - 70, 93 and 94:

Warning Clause "B":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Lots 9-14, 16-59, 71-92 and 95-360:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

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Blocks 361 and 362:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to increasing road and air traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "D":

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton's and the Ministry of the Environment and Climate Change."

Warning Clause "E":

"Purchasers are advised that sound level limits due to the proximity of the adjacent commercial facility, sound levels from the commercial facilities may at times be audible."

2. That, **prior to issuance of a building permit**, when detailed grading information is available for Lots 1-8, 15, 60 - 70, 93 and 94, a detailed noise study should be performed to the satisfaction of the Director of Planning and Chief Planner, to refine the acoustic barrier heights and specific acoustical requirements.
3. That, **prior to issuance of a building permit**, when architectural drawings are available for Lots 1-7 south of Rosebury Way, an acoustic consultant should provide revised glazing recommendations based on actual window to floor area ratios, to the satisfaction of the Director of Planning and Chief Planner.
4. That, **prior to issuance of a building permit**, when house locations and final grades are available, a Professional Engineer qualified to provide acoustical engineering services in Ontario will be required to review the lot plan and grading plans to certify that the noise control barriers as approved have been incorporated for lots adjacent to Highway 6, to the satisfaction of the Director of Planning and Chief Planner.

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5. That, **prior to the assumption of the subdivision**, the City of Hamilton's Building Department inspector or a Professional Engineer qualified to provide acoustical engineer services in the Province of Ontario shall certify that the noise control measures have been properly installed and constructed for the lots adjacent to Highway 6, to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to preliminary grading or servicing**, the Owner / Applicant shall submit a Tree Protection Plan (TPP) prepared by a tree management professional, showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected, and to implement all approved tree saving measures, to the satisfaction of the Director of Planning and Chief Planner.
7. That, **prior to preliminary grading**, the Owner shall submit a Restoration Plan to the satisfaction of the Director of Planning and Chief Planner. This Restoration Plan is to aid in mitigating possible impacts from the development (i.e. encroachment, dumping, introduction of invasive species, and predation of wildlife by pets) on the natural heritage features and their functions. The Restoration Plan is to be prepared by a certified Landscape Architect in consultation with an ecologist and will identify the locations and species to be planted.
8. That, **prior to preliminary grading** and removal of the existing stormwater management pond, the Owner / Developer shall submit and implement a Fish / Wildlife Re-location Plan to the satisfaction of the Director of Planning and Chief Planner.
9. That, **prior to preliminary grading**, a Grading Plan and Erosion and Sediment Control Plan is required for the subject lands and should be prepared to the satisfaction of the Niagara Peninsula Conservation Authority and the Director of Planning and Chief Planner.

Enbridge Pipelines Inc.:

10. That, **prior to registration**, the owner / applicant agrees to include the following clauses, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Growth Management and Enbridge:

"That the Purchaser and / or leaser acknowledges that it has been advised and / or is otherwise aware that:

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- (i) the northern 18.3 metres of the lands in Lots 71 to 77 inclusive (the "Easement Affected Properties") are subject to an easement in favor of Enbridge Pipelines Inc. and / or its successor and / or assigns (the "Pipeline Easement"). The Pipeline Easement spans the entire east / west length of the northern 18.3 metres of the Easement Affected Properties (the "Pipeline Lands").
- (ii) the southern 18.3 metres of the lands in Lots 94 – 113 inclusive (the "Easement Affected Properties") are subject to an easement in favour of Enbridge Pipelines Inc. and / or its successor and / or assigns (the "Pipeline Easement"). The Pipeline Easement spans the entire east / west length of the northern 18.3 metres of the Easement Affected Properties (the "Pipeline Lands"). The owner of these lands is prohibited from landscaping, developing, or erecting and building any permanent structures including, but not limited to: fences, decks, swimming pools which are located over, under or upon these Pipeline Lands.
- (iii) The southern 18.3 metres of the lands in Lots 94 - 113 inclusive (the "North Safety Zone Lands") are within a pipeline safety zone (the "Northern Safety Zone").
- (iv) the northern 30 metres, commencing at the northern boundary of the Pipeline Easement, of Lots 71 to 77 inclusive (the "Southern Safety Zone Lands") are within a pipeline safety zone (the "Southern Safety Zone").
- (v) pursuant to terms of the Pipeline Easement and the applicable zoning by-law designations and other laws affecting the Pipeline Lands, an owner of an Easement Affected Property is prohibited from landscaping, developing, or erecting any buildings or permanent structures including but not limited to fences, decks, swimming pools or shed, over under or upon the Pipeline Lands unless written approval is provided by Enbridge Pipelines Inc.
- (vi) pursuant to terms of the Pipeline Easement and applicable laws governing Pipeline Safety Zones, prior to any mechanical excavation being undertaken within the Pipeline Lands and / or the Southern Safety Zone Lands and / or Northern Safety Zone Lands, Enbridge Pipelines Inc. must be advised of such work. Such notification shall be deemed to have been made by providing notice through "Ontario One Call" at 1-800-400-2255 (or such replacement number as may be designated from time to time by public notice).

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- (vii) subsection (i) to (vi) are not intended to disclose all matters relating to the Pipeline Easement and / or any restriction for lands which are within a Pipeline Safety Zone. For full details respecting the foregoing title to affected lands and all applicable laws, rules, regulations and / or other ordinances must be reviewed and/or consulted."

Ministry of Transportation

11. That, **prior to final approval**, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management plan and report indicating the intended treatment of the calculated runoff and impacts on the Highway 6 New Right-of-way.
12. That, **prior to final approval**, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a traffic impact assessment addressing the anticipated traffic volumes, resulting from the development, and their impact on the Highway 6 and Highway 6 New intersection.

Niagara Peninsula Conservation Authority (NPCA)

13. That, **prior to grading**, the owner / applicant apply for and receive any approvals and permits required by Fisheries and Oceans Canada (DFO), the Ministry of Natural Resources (MNR) and the Niagara Peninsula Conservation Authority (NPCA), to the satisfaction of the NPCA.
14. That, **prior to grading**, detailed lot grading and drainage plans, delineating both existing and proposed grades and means whereby major system flows will be accommodated across the lands, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.
15. That, **prior to grading**, detailed sedimentation and erosion control plans explaining methods proposed for (a) the control of silt and erosion during the construction phase and (b) restoration proposed for the site after construction, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.
16. That, **prior to grading**, a Stormwater Management Plan be prepared by a qualified professional engineer in compliance with the Ministry of the Environment and Energy's "Stormwater Management Practices and Planning Design Manual", June 1994, and the "Stormwater Quality Guidelines for New Development", May, 1991, be submitted to the satisfaction of the Niagara Peninsula Conservation Authority.

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17. That, **prior to grading**, the Owner / Applicant agrees to implement the mitigation measures as outlined in the approved Environmental Impact Study revised December 2014 and as updated in the April 2016 letter prepared by Savanta Inc. to the satisfaction of the Niagara Peninsula Conservation Authority.
18. That, **prior to grading**, the Owner / Applicant agrees in the executed subdivision agreement to implement all plans and required works arising from meeting the conditions as noted 13 to 17, inclusive, noted above, to the satisfaction of the Niagara Peninsula Conservation Authority.

Canada Post

19. That, **prior to registration**, the owner / applicant agrees to include the following clauses in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director Growth Management and Canada Post:
 - i) the home / business mail delivery will be from a designated Centralized Mail Box (CMB); and,
 - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box (CMB) locations prior to the closing of any home sales.

Hamilton-Wentworth Catholic District School Board

20. That, **prior to the final approval**, the applicant shall implement the following, to the satisfaction of the Hamilton-Wentworth District School Board:
 - a) The acquisition, or reservation for future acquisition, of Block 362 designated in the plan for elementary school purposes;
 - b) Prior to servicing, the clearing, grubbing, engineered filling, where required, and grading of Block 362 shall be completed. This includes the removal of any and all buildings and structures, tanks and utility structures; and,
 - c) That the designation of Block 362 as an elementary separated school site is subject to the completion of a soils report, of which the findings will be addressed by the applicant to the satisfaction of the Hamilton-Wentworth Catholic District School Board.

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21. That, **prior to registration**, the Owner shall show on the final plan a 0.3 metre reserve along the west side of the future servicing Block 366, between Residential Condominium Block 361 and Open Space Block 365, to the satisfaction of the Senior Director of Growth Management.
22. That, **prior to grading**, the Owner shall include in the Engineering design and cost estimate schedules, provisions to replace the existing sanitary sewer on Provident Way from the upper limit at the west end of Provident Way (approximately 42 m west of Penfold Court) as required to provide sufficient capacity for the proposed development while maintaining capacity for the existing Southampton Estates development entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
23. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules, provisions to provide a 26 m cross section including provision to service the adjacent property to the west through Block 366 entirely at the Owner's expense to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to servicing**, the Owner shall include in the Engineering design and cost estimates provisions for the construction a 1.5 m high black vinyl coated heavy duty chain link fence entirely at the owner's expense in the following locations:
 - a. along the east and west boundaries of Block 371 from Provident Way to Street E;
 - b. continuously along the east property limit of Lot 125, across the rear property limits of Lots 125 to 134 (inclusive), and along the west property limit of Lot 134;
 - c. continuously along the west property limit of Lot 292, across the rear property limits of Lots 292 to 301 (inclusive), and along the east property limit of Lot 301;
 - d. along the south and north property limits of Block 372 from Street F to the west property limit of Block 372 except where noise barrier is required;
 - e. along the south property limit of Lot 1 from Rosebury Way to the west property limit of Lot 1 except where noise barrier is required;

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- f. along the east and west property limits of Block 370 from Street E to the North property limit of Block 370 and along the north property limit of Block 370;
 - g. along the south property limit of Lot 350 from Street D to the east property limit of Lot 350; and,
 - h. along the east property limit of Block 374 from Rosebury Way to the south property limit of Block 374 and continuing along the south property limit of Block 374 to the west property limit of Block 377;
- to the satisfaction of the Senior Director of Growth Management.
25. That, **prior to registration**, 4.5 m by 4.5 m daylight triangles shall be established on the final plan of subdivision at the following intersections:
- a. Rosebury Way and Street A;
 - b. Street D and Street F;
 - c. Street C and Street D;
 - d. Street B and Street D; and,
 - e. Rosebury Way and Provident Way;
- to the satisfaction of the Senior Director of Growth Management.
26. That, **prior to registration**, 9.0 m by 9.0 m daylight triangles shall be established on the final plan of subdivision at the following intersections:
- a. Street B, Street F, and Mountaingate Road;
 - b. Street C and Mountaingate Road;
 - c. Street D and Mountaingate Road;
 - d. Street E, Street F, and Mountaingate Road;
 - e. Street E and Mountaingate Road (North intersection); and,

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- f. The Block 366 future services block and Mountaingate Road;
- to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to registration**, 12.0 m by 12.0 m daylight triangles be established on the final plan of subdivision at the intersection of Mountaingate Road and Airport Road West to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to registration**, Mountaingate Road shall be established as a 20 m Right of way from Street B to Street E to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to registration**, Block 364 be dedicated to the City of Hamilton as a public highway, by Owner's certificate on the final plan of subdivision for road widening on Airport Road West to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter any lands in a way that would conflict with the approved grading plan without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
31. That, **prior to registration**, the Owner will be required to make a cash payment to the City of Hamilton for the future urbanization of Airport Road West based on the "New Roads Servicing Rate" in effect at the time of payment to the satisfaction of the Senior Director of Growth Management.
32. That, **prior to registration**, the Owner shall agree to include in all offers of Purchase and Sale or Lease Agreement a statement that advises the prospective purchaser or leasee that it is the sole responsibility of the home owner to maintain any and all noise barrier or other infrastructure required within the approved noise study and that the purchaser agrees not to alter any noise barrier or other infrastructure without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
33. That, **prior to registration**, the Owner shall agree to include in all notices of purchase and sale of residential units, the following warning clause:
- "On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for this unit is provided and

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intended for the purposes of parking a vehicle. It is the owner's responsibility to ensure that their parking needs can be accommodated."

to the satisfaction of the Senior Director of Growth Management.

34. That, **prior to registration**, the Owner shall include in any Agreements of Purchase and Sale for lots, blocks, units, and severed parcels, with respect to sidewalks:

- i. a plan showing the location of sidewalks; and,
- ii. a notice advising prospective purchasers and tenants that a sidewalk will, or will not, be constructed within the street right-of-way fronting the lot / block, unit or severed parcel;

to the satisfaction of the Senior Director of Growth Management.

35. That, **prior to grading**, the Owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, and / or any structures will be at the sole cost to the owner to the satisfaction of the Senior Director of Growth Management.
36. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Airport Road, Rosebury Way, and Provident way, entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
37. That, **prior to servicing**, the Owner shall agree that a maximum of 100 residential units of the final plan of subdivision shall be permitted to be constructed with only one (1) public road access to service each phase of the development. A second public road access to the subject lands is required, prior to development, beyond the initial one hundred (100) residential units to the satisfaction of the Senior Director of Growth Management.
38. That, **prior to servicing**, the Owner agrees to provide in writing, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. 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 contractor / agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Senior Director of Growth Management.

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39. That, **prior to servicing**, the Owner include in the engineering design for the draft plan lands removal of all dead or diseased trees within the City's road allowance as required by reconstruction on existing streets and pay all costs for replacement of such street trees all to the satisfaction of the Senior Director of Growth Management.
40. That, **prior to servicing**, the Owner shall include in the engineering design all road geometric to City of Hamilton standards. The minimum urban residential horizontal centreline road radius excluding 90 deg. Curves shall be: 90 m for local roads, 95 m for minor collectors and 160 m for major collectors, to the satisfaction of the Senior Director of Growth Management.
41. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules for the draft plan lands installation of 1.5 m wide sidewalks on both sides of Rosebury Way, Mountaingate Road, Provident Way, Street 'A,' and Street 'B' and on one side of Streets 'C', 'D', 'E' and 'F (sidewalk on east side)' including wheel chair ramps that incorporate integrated tactile accessibility features as per RD-124 to the satisfaction of the Senior Director of Growth Management.
42. That, **prior to servicing**, the owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant 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 whereof:
 - 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; and,

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- 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.

- 43. 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 commencement of construction; monitor these wells during construction and continue monitoring and checking the wells after completion of construction until full buildout of the subdivision. 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.
- 44. That, **prior to servicing**, the Owner prepare a revised on-street parking plan for Streets "A", "B", "C", "D", "E", "F", Mountaingate Road, Provident Way, and Rosebury Way based on the premise of achieving on-street parking for 40% of the total number of units and it shall include:
 - i. driveway ramps and curb openings for all lots;
 - ii. the pairing of driveways;
 - iii. where lots in the subdivision abut a park entrance or a public walkway; and;
 - iv. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

to the satisfaction of the Senior Director of Growth Management.

- 45. That, **prior to grading**, the owner shall prepare and provide a Construction Management Plan that provides details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes, etc. The plan must identify any required sidewalk and / or lane closures and the estimated length of time for such closures). Details on heavy truck routing must also be included, all to the satisfaction of the Senior Director of Growth Management.

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46. That, **prior to grading**, the owner shall prepare and provide the following:
- i. a pre-construction survey of surrounding roads that are outside the subject lands; and,
 - ii. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;
- to the satisfaction of the Senior Director of Growth Management.
47. That, **prior to registration of the plan of subdivision**, the owner agrees to prepare a post-construction survey / photo inventory that corresponds to the pre-construction survey required in Condition 46 to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.
48. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules a suitable storm outlet to convey all external drainages as shown on Figure 5 of the Mountaingate Plan of Subdivision Functional Servicing Report (April 4, 2017) through the subject lands including:
- i. An adequate storm sewer system on Airport Road West and Mountain Gate Road to accommodate 100-year flows from external areas EX1, EX2 and EX3 to the limits of the frontage of the subject lands on Airport Road West;
 - ii. An adequate storm sewer system on Street B to accommodate 100-year pre-development from EX4 and EX5; and 100-year post-development flows from EX6 and 78 Marion Street;
 - iii. An adequate storm sewer system on Street E to accommodate the minor and major system flows from EX1 to EX6 lands at the owner's expense;
 - iv. An adequate major overland flow route for external area EX7;
 - v. An adequate storm sewer system on Airport Road to accommodate the minor and major flows from drainage area 201 to the existing drainage ditch west of the subject lands at the owner's expense; and,

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- vi. An overland flow route and easement through the commercial Block 363 to accommodate an emergency spillway for the external drainage area C-201 and Airport Road.

all to the satisfaction of the Senior Director of Growth Management.

- 49. That, **prior to servicing**, the owner agrees to include in the design and cost estimates provisions to construct a reverse crowned concrete walkway within Block 371 to convey major system flows from Street E to Provident Way entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
- 50. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots, and that no driveway shall be located within a daylight triangle. Further, all driveway locations at bends and corners shall be situated to ensure that the driveways are within their own lot frontages to the satisfaction of the Senior Director of Growth Management.
- 51. That, **prior to registration of the plan of subdivision**, the Owner demonstrates that a 13.0m pavement radius is provided along the inside curb line at the 90 degree bends on Streets "D", "E" and "F" complying with the City's Engineering Guidelines to the satisfaction of the Senior Director of Growth Management.
- 52. That, **prior to grading**, the owner shall submit a Fluvial Geomorphological assessment and erosion flow exceedance analysis for the Welland Creek tributary from the proposed SWM facility outlet to 500m south of White Church Road West to the satisfaction of the Senior Director of Growth Management.
- 53. That, **prior to grading**, the Owner shall demonstrate that the subject development has riparian rights to drain onto and across downstream private lands. The Owner shall notify the downstream land owner(s) whose properties are traversed by Welland Creek from the SWM outfall to 500m south of the White Church Road West Culvert, of a proposed SWM outfall, and impending pond construction to the satisfaction of the Senior Director of Growth Management.
- 54. That, **prior to grading**, the Owner acknowledges that the increase or alteration of the existing floodplain on adjoining lands will not be permitted without a written authorization from the land owner to the satisfaction of the Senior Director of Growth Management.

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55. That, **prior to grading**, the Owner shall secure an adequate outlet to convey flows from the proposed SWM facility to the White Church Road West culvert, which may require acquisition of lands or easements from adjacent land owners, to the satisfaction of the Senior Director of Growth Management.
56. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules entirely at the owner's expense provision for a minimum of 2.0 m separation between foundation walls and a maximum water surface depth of 0.30 m on rear lot catch basins in any case where there is a requirement of an overland flow route to the municipal road allowance to the satisfaction of the Senior Director of Growth Management.
57. That, **prior to grading**, the Owner agrees to monitor drainage across the lands from the SWM facility outlet to 500m south of the White Church Road West culvert (located approximately 100m west of outlet) to ensure that the existing lands are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lot / blocks within the draft approved plan are fully developed. In the event that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at their cost. The engineering design and cost schedule for the outlet works shall include a minimum of \$100,000 security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of draft approved plan to the satisfaction of the Senior Director of Growth Management.
58. That, **prior to grading**, the Owner shall submit a detailed Stormwater management report prepared by a qualified professional engineer, in accordance with the City of Hamilton Drainage Policies, City of Hamilton Comprehensive Guidelines (2017) and the MOE&CC Stormwater Management Planning and Design Manual (2003), and considering the following parameters:
- i. The design shall demonstrate a suitable pond outlet including an emergency spillway from the SWM facility block to the existing culvert on White Church Road West;
 - ii. The pond shall be designed to meet erosion flow exceedance target identified in the Fluvial Geomorphologic Assessment report;

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- iii. Verify and confirm that the lesser of predevelopment flow or pond outflows can be safely conveyed through the existing culvert on White Church Road West without an increase in floodplain on adjoining lands;
- iv. The pond geometry shall be as per City of Hamilton Comprehensive Development Guidelines (2017);
- v. The pond landscaping shall be as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009); and,
- vi. Demonstrate that 100-year HGL is located at or below the top of grate elevation at all inlet and rear-lot catch basin locations and that the 5-year HGL is within the sewer obvert based on 100-year and 5-year pond operating levels, respectively;

all to the satisfaction of the Senior Director of Growth Management and the Niagara Peninsula Conservation Authority.

59. That, **prior to assumption**, the Owner agrees:

- i. To submit an operation and maintenance manual, as per the City of Hamilton Comprehensive Development Guidelines (2017), to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
- ii. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
- iii. To construct, operate, and maintain at the Owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the MOECC's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks; or until such time as determined by the Senior Director of Growth Management;

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- iv. To remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey and verify volumetric capacity of the stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility; and,
- v. a security for such costs.

all to the satisfaction of the Senior Director of Growth Management.

- 60. 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 to the satisfaction of the Senior Director of Growth Management.
- 61. That, **prior to registration**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey, to the City, adequate lands including Blocks 374 and 375 for the stormwater management facility. The land costs for Block 374 will be in accordance with City's financial policies and the land value for Block 375 will be based on an independent land appraisal all to the satisfaction of Senior Director of Growth Management.
- 62. That, **prior to servicing**, the owner agrees in writing that Block 377 and Lots 1 to 3 on the draft plan will remain undevelopable until the SWM pond design has been approved by the City, to the satisfaction of Senior Director of Growth Management.
- 63. That, **prior to servicing**, the owner agrees to include in the design and cost estimates removal of the existing temporary turning circles at the west ends of Rosebury Way and Provident Way entirely at the owner's expense to the satisfaction of Senior Director of Growth Management.
- 64. That, **prior to servicing**, the owner agrees in writing that the lots 350 & 351 on the draft plan shall remain undevelopable until the grading and storm designs demonstrate appropriate minor and major system outlets to accommodate the future developments on the adjacent lands known as 78 Marion Street to the satisfaction of the Senior Director of Growth Management.
- 65. That, **prior to registration**, the Owner shall provide a 4.5 m drainage easement in favour of the City of Hamilton on lots 115 to 124, to the satisfaction of the Senior Director of Growth Management.

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66. That, **prior to grading**, the Owner acknowledges that the storm outlets from the proposed SWM Facility to the White Church Road West culvert shall be designed and constructed at the owner's cost, to the satisfaction of the Senior Director of Growth Management.
67. That, **prior to servicing**, the Owner acknowledges in writing that the development shall not proceed until it has been demonstrated that adequate capacity is available in the downstream sanitary sewer system to service the subject lands, including:
- i. along Rosebury Way;
 - ii. along Provident Way;
 - iii. the pumping station at the south end of Fulmar Way, and;
 - iv. the pumping station at Strathearn Place and Homestead Drive
- all to the satisfaction of Senior Director of Growth Management.
68. That, **prior to registration**, the Owner agrees that the City of Hamilton shall pay the owner for Block 374 required for the stormwater management facility in accordance with the City's Development Charge Policy for quality and quantity ponds and for Block 375 based on an independent land appraisal to the satisfaction of Senior Director of Growth Management.
69. That, **prior to grading**, a Traffic Impact Study must be submitted to the satisfaction of the Manager of Traffic Engineering, Public Works Department.
70. That, **prior to registration**, the owner / applicant agrees to construct the Neighbourhood Park (Block 369), to City standards and requirements, to accommodate the needs of the Mount Hope Neighbourhood, to the satisfaction of the Manager of Landscape Architectural Services, Public Works Department.
71. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules provisions to abandon the existing sanitary sewer stub between existing Lots 19 and 20 (municipal addresses #23 and #27) on Penfold Court to the north-most existing manhole on Penfold Court entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.

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Transport Canada

72. That, **during any phase of construction**, the disposal of waste that is edible by, or attractive to birds shall be properly covered and managed so that it does not attract birds, to the satisfaction of the Hamilton Airport Manager and Transport Canada.
73. That, **during any phase of construction**, the installation of any construction crane should be coordinated with the Hamilton Airport Manager and with Transport Canada. Also, in advance of construction, an Aeronautical Obstruction Clearance Form must be submitted to Transport Canada for assessment, to the satisfaction of the Hamilton Airport Manager and Transport Canada.

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.