

**Special Conditions for Draft Plan of Subdivision Approval for 25T-201507
"Flamborough Power Centre North"**

That this approval for the Revised Draft Plan of Subdivision, 25T-201507, prepared by J.D. Barnes and certified by R.S. Querubin, O.L.S., dated January 30, 2018, consisting of 7 blocks for employment uses (Blocks 1, 3, 4, 7, 8, and 9), 3 blocks for Conservation/Hazard Land uses (Blocks 5, 6 and 10), 1 block for a road widening (Block 12), 1 Block for a Stormwater Management Facility (Block 2), 1 Block for a 0.3 m reserve (Block 11) and three municipal roads (Extension of Clappison Avenue, Street A and Street B) be received and endorsed by City Council with the following special conditions;

Development Engineering

1. That, **prior to registration of the plan of subdivision**, the Owner shall show on the final plan a 0.3 m reserve:
 - a. Along the north side of Street A from the west limit of Block 6 to the west limit of Street A;
 - b. Along the west limit of the lands owned by others south of Block 9 from the south limit of Block 9 to the north limit of the Borer's Creek lands;

all to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to servicing**, the owner shall:
 - a. Provide detailed design and cost estimates to construct a bridge where Clappison Avenue will cross Borer's Creek entirely at the owner's expense in accordance with the approved Class Environmental Assessment Study for Flamborough Power Centre Inc. prepared by Fothergill Planning & Development Inc., June 1, 2005;
 - b. Agree to pay the entirety of costs of peer review of the bridge design in accordance with the City's policies;
 - c. determine the type of structure to be employed at the Clappison Avenue crossing of Borer's Creek by considering natural, social and economic factors including the potential impact to valley features such as bank stability / erosion potential and riparian vegetation, stream morphology, fish habitat, other aquatic habitat features, the interaction of groundwater and surface water, and considering that creek crossing structure must be designed and constructed to convey greater of 100 year or Hurricane Hazel storm in accordance with City of Hamilton Development Guidelines, 2017;

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

3. That, **prior to registration**, the owner shall construct the bridge to cross Borer's Creek on Clappison Avenue entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to preliminary grading**, the Owner shall provide drainage area plans and associated drainage calculations for both sanitary and storm systems to the satisfaction of the Senior Director of Growth Management.
5. That, **prior to preliminary grading**, the applicant agrees to obtain written permission from the owners of any adjacent lands for any works that will require access to or changes on lands outside the boundary of the subject lands to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to registration**, the Owner agrees to pay their proportionate share of the total cost of urbanization of Parkside Drive to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct sidewalks on both sides of all proposed streets including those noted as future works entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct temporary traffic controls as required at the intersection of Clappison Avenue and Parkside Drive entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to preliminary grading**, the owner shall include in the engineering design and cost estimate schedules provisions to construct a temporary concrete sidewalk on the south side of Parkside Drive where the subject lands front directly onto Parkside Drive from the east limit of the subject lands to Clappison Avenue entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for construction of 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 boundary of Block 10 and Block 11 from Parkside Drive to the limit of Borer's Creek;
 - b. Adjacent to the limits of Borer's Creek, along south limit of Block 9 and Block 11 from the east limit of the subject lands to the east limit of the external lands south of Block 9 (approximately 85 m west of the east limit of Block 11);
 - c. Along the entire south limit of Block 1;

- d. Along the entire south limit of Block 2;
- e. Along the entire south limit of Block 3;
- f. Along the east and west limits of Block 5 from Street A to the south limit at Borer's Creek;
- g. Along the east and west boundaries of Block 6 from Street A to Parkside Drive including the north-south portion of the boundary between Block 4 and Block 6;
- h. Along the west limit of Block 2, adjacent to Block 1;

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

11. That, **prior to registration of the plan of subdivision**, 9.0 m by 9.0 m daylight triangles be established on the final plan of subdivision at the following intersections:
- a. Street B and Clappison Avenue (north intersection);
 - b. Street B and Clappison Avenue (south intersection);
 - c. Street A and Clappison Avenue;
 - d. Where Street B transitions from an east-west configuration to a north-south configuration;

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

12. That, **prior to registration**, 12 m by 12 m daylight triangles be established on the final plan of subdivision at the intersection of Clappison Avenue and Parkside Drive based on the widened limits of Parkside Drive to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all existing septic beds, buildings, wells, and/or any structures will be at the sole cost to the owner to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the Owner be required to relocate, if necessary, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Parkside Drive entirely at the owner's expense to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to preliminary grading**, 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.

16. 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 zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building 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:
- a. an aquifer is breached during excavation;
 - b. groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
 - c. sump pumps are found to be continuously running; and,
 - d. 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.

17. That, **prior to servicing**, the Owner, through a soil consultant or other qualified consultant:
- a. shall check existing wells that 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;
 - b. if, in the opinion of the City, any problems arise, they must be appropriately addressed by the Owner;

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

18. That, **prior to preliminary 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.
19. That, **prior to preliminary grading**, the Owner shall revise the Functional Servicing Report, signed and sealed by a qualified, licensed professional

engineer (P.Eng.) to the satisfaction of the Senior Director of Growth Management.

20. That, **prior to preliminary grading**, copies of lot and drainage plans showing existing and final grades and demonstrating that drainage is controlled and directed away from the pipe line easement must be submitted to Imperial Oil Ltd. and Sun-Canadian Pipeline Authority for their review and approval to the satisfaction of the Senior Director of Growth Management.
21. That, **prior to preliminary grading**, the Owner shall submit an overall subdivision grading plan including:
 - a. Demonstration of how the individual Blocks will be graded and drained in the interim development condition (post servicing but prior to Site Plan) such that they drain independently and not adversely affect adjacent Blocks, private lands, pipeline easement etc.;
 - b. each block shall have at least one (1) dedicated storm outlet including an overland flow route to the municipal system;

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

22. That, **prior to Servicing**, the owner shall design and construct an appropriate storm conveyance to convey the greater of 100-year pre-development or regional storm flows from the external drainage area north of Parkside Drive entirely at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
23. That, **prior to Servicing**, the Owner shall include in the engineering design and cost estimate schedule provision for the construction of storm sewers within the Parkside Drive right-of-way including all restoration works to convey local and external drainage entirely at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to preliminary grading**, the Owner agrees to:
 - a. submit a detailed Stormwater management (SWM) report prepared by a qualified professional engineer that demonstrates how quality, quantity, and erosion control will be handled in accordance with City of Hamilton Development Guidelines (2017) and MOECC Stormwater Management Design Guideline (2003);
 - b. identify and establish a suitable storm outlet for the proposed SWM facility to convey controlled and uncontrolled flows to Borer's Creek;
 - c. demonstrate that the hydraulic grade line (HGL) for the post-development 100-year storm event is located at or below the top of grate elevation at all inlet locations, and that the 5 year HGL shall not exceed the obvert of the sewers;

- d. Verify that the proposed SWM Facility, Block 2, shall be of sufficient size, shape, and depth to adequately accommodate the ultimate SWM facility, including an adequate decanting area as per City standards. Until such time as the size and shape are confirmed, the adjacent Block 1 shall be considered, as undevelopable. The SWM facility design geometry shall be as per City of Hamilton Development Guidelines (2017) and facility landscaping as per City of Hamilton Landscape Design Guidelines for SWM facilities (2009);
- e. maintain drainage routing through the subject lands for any external storm flows that drain to or through the lands;
- f. demonstrate that runoff from the 100-year storm can be conveyed to the appropriate downstream outlet(s) without impacting adjacent properties;

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

25. That, **prior to servicing**, the owner agrees that they will be responsible for the design and construction of the stormwater management (SWM) facility and will maintain the facility entirely at the owner's expense until it is assumed by the City including the following commitments:

- a. to submit an operation and maintenance manual as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009);
- b. 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 by the City in accordance with the conditions of ECA issued by MOECC;
- c. To keep detailed logs concerning Stormwater management facility performance and maintenance, including costs of cleaning and removal of sediment and to submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
- d. 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 MOE&CC'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 Division; and,
- e. 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;

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

26. That, **prior to registration of the final plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey an adequate Stormwater Management Facility block (Block 2, and potential additional lands being Block 1, subject to an approved Stormwater management design), of the draft plan to the City with no City Share for land or construction costs in accordance with the current Development Charges Bylaw, to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to registration of the draft plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey an easement on Block 1 of the draft plan for the SWM facility outlet and the sanitary sewer & storm outlet for external lands, to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to servicing**, the owner shall agree to provide sanitary servicing along Parkside Drive from Clappison Avenue west along the frontage of the development lands to the west limit at the property line adjacent to 40 Parkside Drive to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to registration**, the owner will dedicate lands between the Clappison Avenue right-of-way and the lands owned by others south of Block 9 to the city and add a 0.3m block on the City's property along the west boundary of the lands owned by others, to the satisfaction of the Senior Director of Growth Management.
30. That, **prior to registration**, the owner shall demonstrate that the temporary turning circle at the existing north limit of Clappison Avenue immediately south of Borer's Creek has been properly removed to the satisfaction of the Senior Director of Growth Management.

Development Planning:

31. That, **prior to preliminary grading**, 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.

Ministry of Transportation:

32. That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a detailed Storm Water Management

report, in accordance with the MTO Storm Water Management Requirements for Land Development Proposals.

33. That prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a traffic impact study to assess site impacts on Hwy 6 and Hwy 5, and ensure that appropriate mitigation, if required, is provided for by the owner. Please see the link below for additional information on the Ministry's Traffic Impact Study Guidelines.
34. That prior to final approval, Block 12 (new Right-of-Way) will be dedicated as public highway on the owner's certificated on the final plan.
35. That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all necessary associated highway improvements.

Hamilton Conservation Authority:

36. 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 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.
37. That the applicant prepares and implements a Stormwater Management Plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented.
38. That the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
39. That 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

construction and/or grading activities associated with the installation of the Con Span culvert installation and any watercourse alteration.

Union Gas:

40. The owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Transportation:

41. That, **prior to servicing**, an updated TIS shall be provided to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.
42. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provisions to construct the signalized intersection of Parkside Drive and Clappison Avenue and further that:
 - a. it will be designed as a temporary installation with the existing Parkside Drive cross-section;
 - b. it will also be designed with the future / ultimate cross-sections of Parkside Drive and Clappison Avenue;
 - c. all costs associated with these works, including but not limited to design and construction, will be at the expense of the applicant;

all to the satisfaction of the Manager of Traffic Operations and Engineering.

43. That, **prior to servicing**, the Applicant shall provide a design that adequately incorporates Hamilton Pedestrian Mobility Plan with regards to the needs of pedestrians with disabilities (i.e. AODA regulations and barrier free designs) where the Built environmental standard - buffered sidewalks must have a minimum clear width of 1.5 m along right-of-way to the satisfaction of the Manager, Transportation Planning, Planning and Economic Development Department.

Notes to Draft Plan Approval

1. 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 written request is received before the Draft Approval lapses.

Ministry of Transportation

2. Direct access to the development from Hwy 6 will not be granted at any time. Any currently existing access to Hwy 6 shall be closed permanently and the Right-of-Way restored.
3. The City of Hamilton should make considerations for access connections to the proposed "Street A" and Clappison Avenue in the future planning of lands, not included in this application, which are bordered by Hwy 6, Parkside Dr, Clappison Avenue and "Street A".
4. All future access connections to Parkside Drive shall follow the recommended spacing and standards set out by the Access Management Guidelines.
5. The proposed subdivision is considered a major traffic generator. As such, all buildings/sites on all development blocks of the subdivision require MTO Building and Land Use permits prior to the start of any construction on the blocks. Additionally, permits are required prior to Site Grading/Servicing/internal road construction, and for site signs; and MTO Encroachment permit is required for any works proposed within Hwy 6 limits.
6. All structures (above and below ground), including land uses considered essential to the site's viability must be setback a minimum of 14m from the future designated Hwy 6 limits.