

## **Appendix "D"**

### **Special Conditions**

That this approval for the Draft Plan of Subdivision, 25T-201606, prepared by A.T. McLaren Ltd. and certified by S.D. McLaren, O.L.S., dated July 15, 2016, consisting of 22 lots (Lots 1-22) to be used for 22 single detached dwellings be received and endorsed by City Council with the following special conditions;

#### **Development Engineering Conditions**

1. That, **prior to preliminary grading**, a revised Functional Servicing Report, signed and sealed by a qualified, licensed professional engineer (P. Eng) will be required during detailed engineering review including the following components:
  - a. the domestic water demands;
  - b. the Required Fire Flow (RFF) calculated per "Water Supply for Public Fire Protection, 1999, Fire Underwriters Survey" (FUS), and supplemented where appropriate by NFPA 13; Details to support the RFF calculation (e.g. floor area, type of construction, fire wall location and fire resistance rating, sprinkler system credit and exposure charges, as applicable, etc.) must be clearly identified; and,
  - c. The Owner must ensure that the Fire Department and / or Building Department are satisfied with the firefighting arrangements;all to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to registration**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the intersection of Miller Drive and Roselawn Avenue to the satisfaction of the Senior Director of Growth Management.
3. 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 the approved grading plan without approval from the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to preliminary 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.
5. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Miller Drive and

Roselawn Avenue, entirely at the owner's expense, to the satisfaction of the Senior Director of Growth Management.

6. 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.
7. That, **prior to servicing**, the Owner shall demonstrate that there will be no encumbrances due to the placement of utilities or street lighting infrastructure on the existing properties on Miller Drive or Roselawn Avenue to the satisfaction of the Senior Director of Growth Management.
8. 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.
9. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules provisions to develop Miller Drive and Roselawn Avenue with an urban cross-section adjacent to the subject lands including street lighting; specifically on:
  - a. Miller Drive from the south limit of the subject lands – approximately 35m south of Roselawn Avenue - to the bend in Miller Drive – approximately 85m north of Roselawn Avenue, with sidewalk only on the side of the road adjacent to the proposed development and with the existing ditch, culverts, and grades maintained on the side opposite the proposed development;
  - b. Miller Drive from the bend in Miller Drive - approximately 85m north of Roselawn Avenue - to the east limit of the subject lands, approximately 70m west of Anson Drive, with sidewalk only on the side of the road adjacent to the proposed development and with the existing ditch, culverts, and grades maintained on the side opposite the proposed development;
  - c. Roselawn Avenue from Miller Drive to the east boundary of the subject lands (east property line of proposed lot 22), approximately 115m east of Miller Drive with sidewalks on both sides of the road except that the sidewalk on the south side of Roselawn Avenue extend only to the east property line of lot 16 and that the existing ditch, culverts, and grades be

maintained on the south side of Roselawn Avenue east of lot 16 (as shown on the draft plan of subdivision dated July 15, 2016);

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

10. That, **prior to registration**, the owner agrees to design, provide a cost estimate (as a City Share), and construct the following works subject to City Council approval of municipal funding:

- a. Sidewalk on the north side of Garden Avenue from Fiddlers Green Road to Miller Drive; and,
- b. Sidewalk on the east side of Miller Drive from Garden Avenue to the south limit of the proposed development (south boundary of proposed lot 12);

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

11. That, **prior to grading**, the Owner shall include in the engineering design and cost estimate schedules provisions to develop all required sidewalks with including wheel chair ramps that incorporate integrated tactile accessibility features as per RD-124 to the satisfaction of the Senior Director of Growth Management.

12. That, **prior to registration**, the Owner demonstrates that a minimum 13.0m pavement radius is provided along the inside curb line at the 90 degree bend on Miller Drive complying with the City's Engineering Guidelines to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to grading**, the Owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be achieved in accordance with the MOE Stormwater Management Planning and design Manual – 2003 and the City of Hamilton Stormwater Management Policies and to demonstrate that runoff from the 100-year storm can be conveyed to the appropriate downstream outlet(s) without impacting the adjacent properties all to the satisfaction of the Senior Director of Growth Management.

14. That, **prior to registration**, the Owner shall include in the engineering design and cost estimate schedules provisions to install the following storm sewers entirely at the owner's expense:

- a. on Miller Drive from the south limit of the subject lands – approximately 35m south of Roselawn Avenue to the existing storm sewer manhole approximately 50m east of the intersection of Miller Drive and Anson Drive; and,
- b. on Roselawn Avenue from the intersection of Miller Drive and Roselawn Avenue to the east limit of the proposed development on Roselawn

Avenue approximately 120m east of the intersection of Miller Drive and Roselawn Avenue;

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

15. That, **prior to servicing**, the Owner shall provide a driveway location / on-street parking plan showing the following:

- a. on-street parking for 40% of the total dwelling units (including existing dwellings);
- b. on-street parking for 40% of the proposed dwelling units with their location limited to the side of each street adjacent to the proposed development;
- c. driveways, driveway ramps, and curb openings for all lots;
- d. the pairing of driveways;
- e. where lots in the subdivision abut a park entrance or a public walkway; and;
- f. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

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 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:

- 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 grading**, the owner shall prepare and provide a Construction Management Plan that provides:

- a. Details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc;
- b. Location and maximum dimensions of stockpiling;
- c. Identification of any required sidewalk and / or lane closures and the estimated length of time for such closures;
- d. Details on heavy truck routing; and,
- e. Alternate arrangements of any City or school bus routing and stop locations that may be impacted;

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

18. That, **prior to preliminary grading**, the owner shall prepare and provide the following:

- a. a pre-construction survey of surrounding roads that are outside the subject lands; and,
- b. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;

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

19. That, **prior to registration**, the owner will to prepare a post-construction survey / photo inventory that corresponds to the pre-construction survey required in Condition 18 to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.

20. That, **prior to preliminary grading**, the Owner shall complete a CCTV video inspection of existing sanitary sewer mains prior to construction entirely at the owner's expense as follows:

- a. Miller Drive – from Garden Avenue to the first manhole downstream of the east property limit of the subject lands on Miller Drive; and,
- b. Roselawn Avenue – from the west limit of the sewer to the first manhole downstream (adjacent to Municipal Number 63 Roselawn Avenue);

to the satisfaction of the Senior Director of Growth Management.

21. That, **prior to registration**, the owner will prepare a post-construction CCTV video inspection of existing sewer mains that corresponds to the pre-construction CCTV video survey required in Condition 20 entirely at the owner's expense in

order to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.

CCTV video survey required in Condition 20 entirely at the owner's expense in order to identify any damages and the owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.

### **Hamilton Conservation Authority Conditions:**

22. 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 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.
23. That ***prior to grading***, the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
24. That ***prior to grading***, the applicant prepares and implements a stormwater management plan for the subject property to the satisfaction of the Hamilton Conservation Authority.

### **Ministry of Transportation**

25. That ***prior to registration***, the owner obtain a Building and Land Use Permit from the Ministry of Transportation.

### **Public Health Services**

26. That ***prior to grading***, a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. The plan must

outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices to the satisfaction of the Vector Borne Disease Section of Public Health Services.

### **City Cost Sharing**

In accordance with City financial policies, the City of Hamilton will share costs with the owner for urbanization of roads as follows:

1. Concrete curb on the side of Miller Drive opposite the proposed development;
2. Catch basins on Miller Drive opposite the proposed development as required to provide adequate storm drainage of the street;
3. Minimal restoration to back-of-curb of existing lots fronting on Miller Drive opposite the proposed development;

Other cost sharing provisions for this development shall be in accordance with the City's Financial Policy, if any.

### **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 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.
2. That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit; all in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.
3. This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste By-law 09-067, as amended.