

**Conditions of Draft Plan of Subdivision Approval for
25T-201506, 706 Highway No. 8**

That this approval apply to the Revised Draft Plan of Subdivision, 25T-201506, 706 Highway No. 8, "Butternut Hill", prepared by IBI Group and certified by D. McLaren, O.L.S., dated, June 22, 2018, consisting of eight blocks for four new single detached dwellings, subject to the owner entering into a standard Form Subdivision Agreement, received, and approved by City Council with the following special conditions.

Development Engineering

1. That, **prior to preliminary grading**, the Owner shall clearly demonstrate that the SWM Pond Block is fully outside of the MTO's 14m setback requirement to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to preliminary grading**, the Owner shall locate and clearly show the location of the existing and proposed wells, and existing and proposed septic systems on all lots on all engineering submissions. The removal of existing septic beds, wells, and any structures that may be required to be removed, shall be done so in accordance with the applicable guidelines (MOECC, City of Hamilton, etc.) and at the sole cost to the Owner, to the satisfaction of the Senior Director of Growth Management.
3. That, **prior to preliminary grading**, the Owner shall demonstrate that a suitable storm outlet exists for drainage areas # 300 & # 400 (as identified on the Storm Drainage Area Plan contained within the December 15, 2017 Functional Servicing Report). In the event that a suitable storm outlet is not feasible for these areas, the Owner shall demonstrate that they have riparian rights for the outlet proposed through the adjacent private lands to the south to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to servicing**, the Owner agrees to submit a detailed Stormwater Management report. The report shall contain sufficient details and information to demonstrate that the proposed location of the SWM Pond will adequately accommodate the proposed facility's design and be in accordance with all current and applicable Stormwater Management Guidelines and to the satisfaction of the City's Senior Director of Growth Management;
 - a. The post-development flows shall be maintained at the pre-development levels for all storm events up to and including the 100-yr storm event;
 - b. The proposed driveways shall incorporate permeable pavement as part of the overall water balance strategy; and,
 - c. Soakaway systems shall be designed and constructed at the bottom of the dry pond and bottom of the proposed 2.0m wide flat bottom vegetative /

enhanced swale to provide stormwater quality control for the drainage from the private road. A minimum separation between groundwater elevation and the bottom of any soakaway system would need to be maintained as per MOECC guidelines.

5. That, **prior to servicing**, the Owner agrees to remove and dispose of the existing pool, pool deck, fence, etc. generally located south of Lot 3. The pool shall be completely removed and restored with engineered fill, compacted as recommended by a qualified Geotechnical Engineer, up to finished grade, to the satisfaction of the Senior Director of Growth Management.
6. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates for the soakaway systems that all new dwellings shall have their roof leaders directly connected to the soakaway system to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to servicing** the Owner agrees in writing to provide "as-built" lot grading plans for each lot showing the location, depth and size of the soakaway systems as part of final grading certification to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates, where required, concrete pads to facilitate the placement of a community mail box in a location approved by Canada Post. The pad is to be poured at the time of the sidewalk and / or curb installation to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to occupancy** the Owner agrees in writing to provide certification by a qualified professional engineer that the soakaway systems on each lot has been installed in accordance with the approved plans and that roof leaders have been directed to the soakaway systems as required, all to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for adequate street lighting for the private road to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing** the Owner shall submit a detailed sump pump design. The design shall consider the weeping tile inflow based on ground water and severe wet weather conditions, to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to servicing** the Owner shall include in the engineering design and cost estimates provision for removal and replacement of the existing driveway culvert within the Highway #8 right of way to the satisfaction of the Senior Director of Growth Management.

13. That, **prior to registration of the Draft Plan of Subdivision**, the Owner shall provide an easement, in favour of the condominium corporation, for the drainage swale between proposed Block 2 & 3. The easement width shall be a minimum of 4.5m, subject to the final design requirements, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to registration of the Draft Plan of Subdivision**, the Owner agrees to include the following warning clause in all agreements of purchase and sale for the Blocks 1, 2, 4, and 5;

“This dwelling unit being serviced by a well, septic disposal system and stormwater soakaway system will require routine maintenance and upkeep and it is the responsibility of the property owners to maintain these systems, in accordance with the guidelines and regulations of the City of Hamilton, Ministry of Environment and Climate Change and Ontario Building Code.”

to the satisfaction of the Senior Director of Growth Management.

15. That, **prior to the issuance of Building Permit**, the Owner agrees to submit individual lot grading plans showing the proposed septic systems, wells, soakaway systems, final house footprints and locations, to the satisfaction of the Senior Director of Growth Management.

Development Planning

16. That, **prior to preliminary grading of the final plan of subdivision**, the proponent shall carry out a Stage 3 archaeological assessment of the entire property and if required as part of the Stage 3 archaeological assessment, a Stage 4 archaeological assessment, and mitigate through preservation or resource material 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.

Natural Heritage

17. That, **prior to pre-grading**, the owner / developer prepare a Tree Protection Plan (TPP) according to the City of Hamilton's Tree Protection Guidelines to the satisfaction of the Director of Planning and Chief Planner.

18. That, **prior to pre-grading**, the tree management professional must provide a Verification of Tree Protection Letter to the Director of Planning and Chief Planner to confirm that all tree protection measures have been installed as shown in the Tree Protection Plan approved by the City of Hamilton.
19. That, **prior to preliminary grading**, the owner is aware of the Migratory Birds Convention Act, 1994 and agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (May 1 to July 31). However, in the event that vegetation removal is proposed during the restricted breeding period, the owner / applicant shall have a qualified biologist conduct a nest search of the vegetated area, prior to any work commencing. Vegetation removal may occur if it is determined that active nests are not present in the removal area, to the satisfaction of the Director of Planning and Chief Planner.
20. That, **prior to registration**, the owner / developer prepare a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the Tree Protection Plan, to the satisfaction of the Director of Planning and Chief Planner. The Landscape Plan should also show habitat restoration plantings, including:
 - a. Lands adjacent to the pond and woodland should be planted with native trees and shrubs to enhance ecological conditions.
 - b. That the boundary of the VPZ be planted with native thorny shrubs and plants to discourage encroachment.
21. That **prior to occupancy**, the applicant will prepare a Stewardship Brochure to the satisfaction of the Director of Planning and Chief Planner. The Stewardship Brochure will be distributed to all future homeowners and will describe the importance of the natural feature and its functions and how the homeowner can minimize their impact on this feature.
22. That, **prior to occupancy**, interpretive signs be installed at the rear of each lot at the VPZ boundary, to inform residents about the ecological significance of the area and how to protect it (do not remove vegetation, do not dump compost or other materials, do not build structures, etc.), to the satisfaction of the Director of Planning and Chief Planner.

Source Protection Planning

23. That, **prior to registration of the Draft Plan of Subdivision**, the Applicant shall submit a revised site plan that delineates the locations of septic system components

and wells, ensuring that wastewater effluent will be directed away from any nearby water supply wells. This revised site plan should also delineate a reserve area bed as per Rural Hamilton Official Plan requirements, to the satisfaction of the Director of Hamilton Water.

24. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate sustainable water services on site. This would include a pumping test in conformance with MOECC Guideline D-5-5 and the City's Guidelines for Hydrogeological Studies and Technical Standards for Private Services, to the satisfaction of the Director of Hamilton Water.
25. **That, prior to registration of the Draft Plan of Subdivision**, the applicant shall demonstrate that water quality for each lot is potable. As a result, the applicant shall test water quality parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta. A copy of the Chain of Custody shall be provided with the sampling results, to the satisfaction of the Director of Hamilton Water.

Ministry of Transportation

26. **That, prior to registration of the Draft Plan of Subdivision** a Left Turn Lane Warrant analysis is required for the entrance into the subdivision to determine if any further analysis is required, and / or if any highway improvements are required to accommodate traffic operations related to the subdivision traffic, to the satisfaction of the Ministry of Transportation.
27. **That, prior to registration of the Draft Plan of Subdivision**, the Applicants must demonstrate, to the satisfaction of the Ministry, that land uses and structures that are integral to site operations or are essential to the viability of the site are set back a minimum of 14m from the Highway 8 Right of Way limits. The "Block 7 - common element" provides access to the subdivision, and is essential to the viability of the sub-division and the future sites. The portion of Block 7 that abuts and runs parallel to Highway 8 ROW should therefore be outside the 14m setback.
28. **That, prior to preliminary grading**, detailed design is to be submitted, including the proposed entrance onto Highway No. 8 from the common element "Block 7" to the satisfaction of the Ministry of Transportation, and entrance permits for the proposed entrance to Block 7 and to the most easterly Block 6 from Highway No. 8, to be issued by the Ministry of Transportation.

29. That **prior to final approval**, the owner shall submit to the Ministry of Transportation for review and approval a detailed stormwater management report, in accordance with MTO Stormwater Management Requirements for Land Development Proposals.
30. That, **prior to final approval**, a 0.3m reserve extending across the entire highway frontage, excepting for the common element roadway / driveway entrance, be conveyed by deed to the Ministry of Transportation. All deeds must be free of all encumbrances.

Strategic Planning

31. That **prior to registration of the Draft Plan of Subdivision**, the owner shall fence the property line shared with the adjacent park to the City's standards if there is no appropriate existing park fencing. The park perimeter fencing will allow for pedestrian walkway connections to the park where required. The proposed location of the fencing and construction shall be indicated on a plan for approval by the Director of Strategic Planning.

Urban Forestry

32. That **prior to the registration of the Draft Plan of Subdivision**, the owner shall provide a Tree Management Plan to the satisfaction of the Forestry & Horticulture Section. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment as shown in Item 2.8 of the completed Subdivision Agreement.
33. That, **prior to preliminary grading of the final plan of subdivision**, the owner shall provide a Landscape Planting Plan prepared and signed by a certified Landscape Architect. This plan must be submitted for review and comments by the Forestry & Horticulture Section.

CANADA POST

34. That the home / business mail delivery will be from a designated Centralized Mail Box.
35. That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sale.

Hamilton Conservation Authority

36. **That prior to preliminary grading or servicing**, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority.
37. **That prior to preliminary grading or servicing**, the Owner prepares a grading plan, servicing plan, and an erosion and sediment control plan for the property to the satisfaction of the Hamilton Conservation Authority.
38. **That prior to preliminary grading or servicing**, the Owner prepares a landscape planting plan for the enhancement of the natural heritage feature buffer lands to the satisfaction of the Hamilton Conservation Authority.

NOTES TO DRAFT PLAN APPROVAL

The following note should be included in the City's draft plan approval letter:

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.