

Recommended Conditions of Draft Plan Approval for  
Amended Draft Plan of Subdivision 25T-200512

That this approval apply to "Part of Lot 32 – Concession 4", 25T-200512, as Amended, and as prepared by UrbanSolutions Planning & Land Development Consultants, and certified by B.J. Clarke, O.L.S., dated February 27, 2017, showing 11 Blocks for Industrial development (Blocks 1-7 and Blocks 9-12), one block for stormwater management purposes (Block 8), one block for the purpose of a one-foot reserve (Block 13), two proposed streets (Streets "A" and "B"), and, the extension of Cormorant Road, be received and endorsed by City Council with the following special conditions:

**City of Hamilton Planning**

1. That, prior to preliminary grading or servicing, the Owner / Developer shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of drip lines, edges of existing plantings, the location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner. The TPP is to be prepared in accordance with the City's Tree Protection Guidelines (revised October 2010)

**City of Hamilton Engineering Approvals**

2. That, prior to registration of the final plan of subdivision, the Owner / Developer shall submit the necessary transfer deeds to the City's Legal Department to convey Block 8, and any additional lands, as required, within the draft plan, to the City for a storm water management pond.
3. That, prior to registration of the final plan of subdivision, the Owner / Developer shall acquire additional lands from the adjacent property to the west, 735 Trinity Road South, for the purpose of installing the proposed SWM facility. The Owner / Developer may be required to complete the necessary transfer deeds to the City's Legal Department to convey the said lands to the City of Hamilton, all of which shall be at their cost, to the satisfaction of the Senior Director, Growth Management Division.
4. That, prior to registration the Owner / Developer agrees in writing to declare Blocks 6 and 7 on the Draft Plan, as undevelopable until such time as the SWM facility has been designed and approved in accordance with the City's current Comprehensive Development Guidelines and Financial Policies Manual, to the satisfaction of the Senior Director, Growth Management Division.

5. That, prior to registration of the final plan of subdivision, the Owner / Developer shall include a block adjacent to the west side of proposed Blocks 9 & 11 on the draft plan, in order to provide for the installation of SWM facility outfall channel c/w access road, which shall be of a sufficient size and location, and will include the completion of the necessary transfer deeds to the City's Legal Department to convey said lands to the City of Hamilton, with all cost to be borne by the Owner / Developer, to the satisfaction of the Senior Director of Growth Management.
6. That, prior to registration of the final plan of subdivision, the Owner / Developer shall acquire additional lands from the adjacent property to the west, 769 Trinity Road South, in order to provide for the installation of the SWM facility outfall channel c/w access road along the eastern and southern limits of 769 Trinity Road South. In addition, the Owner / Developer shall complete the necessary transfer deeds to the City's Legal Department to convey the said lands to the City of Hamilton, all of which shall be at their cost, to the satisfaction of the Senior Director, Growth Management Division.
7. That, prior to registration of the final plan of subdivision, the Owner / Developer shall demonstrate that the proposed road width at the 90 degree bend on Street 'A' provides for the installation of a sufficient pavement width and adequate boulevard to facilitate turning of the design vehicle, to the satisfaction of the Senior Director, Growth Management Division.
8. That, prior to registration, the Owner / Developer shall agree in writing to register a 4.5m wide servicing easement, adjacent to the west side of Blocks 1 and 4, in favour of the City, in order to provide for the installation of a storm sewer to accommodate an outlet for the external drainage areas from the west, to the stormwater management facility, to the satisfaction of the Senior Director, Growth Management Division.
9. That, prior to registration, the Owner / Developer shall agree in writing to register a 10.0m wide servicing easement, adjacent to the west side of Blocks 6 and 7, in favour of the City, in order to provide for the installation of a sanitary sewer and watermain, if required, to the satisfaction of the Senior Director, Growth Management Division.
10. That, the Owner / Developer agrees in writing to include a note in all purchase and sale and / or lease agreements to advise the future purchasers or tenants that the building size, building material and the intended use may be restricted by the available water supply at the street line at the time of issuance of the building or occupancy permit for the draft plan lands, to the satisfaction of the Senior Director, Growth Management Division.

11. That, prior to preliminary grading, the owner shall obtain approval from all relevant approval agencies, including but not limited to, the Grand River Conservation Authority; and, the City of Hamilton, for the design and construction of the storm outfall channel up to the north limit of the Hydro corridor at a 40% cost to the Owner / Developer. The design of the aforementioned storm outfall channel shall match the flood stage, flow velocity and flow rate of predevelopment conditions at the location where the outlet meets the existing watercourse (i.e. north limit of the Hydro lands), to the satisfaction of the Senior Director, Growth Management Division.
12. That, prior to servicing, the Owner / Developer acknowledges and agrees that the servicing of the draft plan lands shall not commence until the SWM facility outfall channel is completed and operational, as per the design approved by the Grand River Conservation Authority and the City of Hamilton, exclusive of Cormorant Road, to the satisfaction of the Senior Director, Growth Management Division.
13. That prior to preliminary grading, the Owner / Developer shall obtain the necessary permission / consent from the affected land owners of the surrounding lands, in order to accommodate the grading encroachment on their properties required for the construction of the Draft Plan of Subdivision, exclusive of the proposed extension of Cormorant Road from the west limit of the subject lands to the east limit of Trinity Road South, to the satisfaction of the Senior Director, Growth Management Division.
14. That prior to preliminary grading, in the event that the stormwater management facility and outfall channel cannot be constructed concurrently with the Cormorant Road Extension works, the Owner / Developer shall provide an adequate easement over the required interim channel from the end of the proposed Cormorant Road Culvert (South) to the existing watercourse on 769 Trinity Road South, in order to maintain the storm conveyances for upstream lands, to the satisfaction of the Senior Director, Growth Management Division.
15. That, prior to servicing, the Owner / Developer shall design and construct a culvert on the Cormorant Road extension to convey the greater of the two, Hurricane Hazel or the 100 year predevelopment flow, from the proposed SWM facility, with 40% of the cost to be borne by the Owner / Developer, to the satisfaction of the Senior Director, Growth Management Division.
16. That, the Owner / Developer shall design and construct storm conveyance and SWM systems for the Cormorant Road Extension, in accordance with the approved Cormorant Road Extension Schedule "B" Environmental Assessment, dated October 2015, to the satisfaction of the Senior Director, Growth Management Division. In addition, the owner shall obtain all necessary approvals from the Ministry of the Environment and Climate Change, for the installation of SWM infrastructures on the Cormorant Road Extension.

17. That, prior to preliminary grading, the Owner / Developer agrees at their cost, to implement a monitoring plan for the Big Creek tributary, based on the terms of reference established by the Grand River Conservation Authority and the City of Hamilton, in order to demonstrate that the proposed facility performs as designed and that there are no erosion issues downstream of the proposed SWM facility.

The monitoring plan shall be in place throughout the construction of the subdivision and for a period of not less than 2 years after all blocks within the draft approved plan (25T-200512(R)) are fully developed, with no reductions to the security amount held by the City of Hamilton below \$200,000.00, for said downstream monitoring and potential downstream remedial works from the pond outfall to Book Road. In the event that a problem arises, the Owner further agrees to complete the necessary remedial works at their cost, to the satisfaction of the Senior Director of Growth Management Division.

18. That, prior to preliminary grading, the Owner / Developer shall agree:
  - a) To submit a detailed stormwater management (SWM) report prepared by a qualified professional engineer to demonstrate how quality and quantity control including the downstream erosion, will be handled in accordance with the approved Ancaster Industrial Park Master Drainage Study, 2002 prepared by AJ Clarke, and as further refined in the updated hydrologic model, 2005, verified and prepared by Aquafor Beech in accordance with the City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines.
  - b) Identify and establish a suitable storm outfall channel for the proposed SWM facility, in order to convey controlled and uncontrolled flows for all storm events, including Regional storm flows, through the future Cormorant Road culvert to the Big Creek tributary, being the north limit of Hydro corridor land.
  - c) Demonstrate that the hydraulic grade line (HGL) for the post development 100-Year storm event is at, or below the top of grate elevation at all inlet locations.
  - d) Verify that the proposed SWM Facility, Block 8, is of a 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 Blocks 6 and 7 shall be considered, as undevelopable.

The SWM facility design geometry shall be as per current City of Hamilton Comprehensive Development Guidelines and the associated facility landscaping per the current City of Hamilton Landscape Design Guidelines for SWM facilities (2009).

- e) Demonstrate that the proposed SWM facility rating curve including pond outflows are consistent with allowable rates approved by the Ministry of the Environment and Climate Change.
- f) Confirm erosion flow exceedance analysis per the Functional Servicing Report dated March 2018, to determine allowable flow rates and flow duration for the pond, so that the erosion exceedance frequency in the proposed condition, is same or close to that of the existing condition.
- g) Demonstrate that there will be no increase in flooding on downstream land during all ranges of storm events, including a Regional Storm.
- h) Consider a suitable pond inlet for the external drainage from the west of the subject development.
- i) Consider an appropriate pond liner in accordance with the Geotechnical / Hydrogeological recommendation(s).

to the satisfaction of the Senior Director of Growth Management.

19. That, prior to assumption of the stormwater management facilities, the Owner / Developer agrees in writing with the following requirements:

- a) To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Senior Director of Growth Management, and to inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to the assumption of the facility, in accordance with the conditions of ECA issued by the Ministry of the Environment and Climate Change.
- b) To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and to submit said logs to the City during any pre-grading and construction activities, in accordance with the operation manual.
- c) To construct, operate and maintain at the Owner / Developer's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of the Environment and Climate Change's approval, throughout servicing of all stages of draft plan

registration and development of all registered blocks, or until such time as determined by the Senior Director of Growth Management Division.

- d) 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 / Developer's operation and maintenance responsibilities for the stormwater management facility;

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

- 20. That, prior to servicing, the Owner / Developer agrees to include in the engineering design and cost estimate schedule, provisions to construct Cormorant Road from the east limit of the draft plan lands to Trinity Road South, all to the satisfaction of the Senior Director, Growth Management Division.
- 21. That, prior to servicing, the Owner / Developer agrees to include in the engineering design and cost estimate schedule, provision to convey the major flows from the existing low point on Tradewind Drive, just north of the intersection with Street 'A', to the proposed SWM facility at their cost and to the satisfaction of the Senior Director, Growth Management Division.
- 22. That, prior to servicing, the Owner / Developer agrees to include in the cost estimate schedule provision, identification of their share of the construction cost, including the soft cost, and the land costs which will be set at \$250,000.00 an acre, for the installation of the SWM facility under the assumption that the City share will be limited to the upset amount at 60% of the construction cost, including soft cost and land costs, based on the required volume, all to the satisfaction of the Senior Director, Growth Management Division.
- 23. That, prior to servicing, the Owner / Developer agrees to \$250,000.00 an acre for the SWM Block, with the City Share limited to the upset limit (60%), and as prepared by a qualified professional, for review and approval by the City's Real Estate Division, to the satisfaction of the Senior Director, Growth Management Division.

### **City of Hamilton Public Health Services**

- 24. That a pest control plan, focusing on rats and mice, shall be developed and implemented for the construction / development phase of the project and shall continue until the project is complete to the satisfaction of the Medical Officer of Health.

- a. The plan must outline steps involved in the potential control of vermin during all of development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading, etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221.

### **Grand River Conservation Authority**

25. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
  - a. A detailed Stormwater Management Report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Practices Planning and Design Manual" and in keeping with the Functional Servicing & Stormwater Management Report (dated August 2017 and revised March 2018, A.J. Clarke and Associates Ltd.).
  - b. Detailed Lot Grading and Drainage Plan show existing and proposed grades.
  - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of the grading and construction.
  - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.

### **Ministry of Natural Resources and Forestry**

26. That prior to any site works, the Owner / Developer shall prepare a Development Plan and Compensatory lands for habitat creation for the Eastern Meadowlark and Bobolink species, in accordance with Ont. Reg. 242 / 08, to the satisfaction of the Ministry of Natural Resources and Forestry, and the Senior Director of Growth Management

27. That prior to any site works, the Owner / Developer shall complete a project registration and obtain a permit under section 17(2)(c) of the ESA, which will require the Owner / Developer to compile and submit an Alternatives Assessment (AAF) and C Permit Application Form (C-PAF) for this project, to the satisfaction of the Ministry of Natural Resources and Forestry, and the Senior Director of Growth Management.

### **Hydro One Networks Inc.**

28. That prior to final approval, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to HONI in triplicate for review and approval. Drainage must be controlled and directed away from OILC/HONI transmission corridor to the satisfaction of Hydro One Networks Inc.
29. That temporary fencing be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense to the satisfaction of Hydro One Networks Inc.
30. That a permanent 1.5 metre fence be installed along the mutual property line after construction is completed at the developer's expense to the satisfaction of Hydro One Networks Inc.
31. OILC / HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of OILC. During construction there will be no storage of materials or mounding of earth, snow or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision to the satisfaction of Hydro One Networks Inc.
32. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's Service Provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the subdivider shall then make arrangements satisfactory to OILC / HONI for the dedication and transfer of the proposed road allowance directly to the City of Hamilton. Access to, and road construction on the OILC / HONI transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed to the satisfaction of Hydro One Networks Inc.



33. The costs of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer to the satisfaction of Hydro One Networks Inc.
34. If the proposed development is within close proximity to a Transmission or Distribution station the following applies:

That the Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/ warning provisions (or clauses substantially similar thereto in all respects), namely:

- a. Each unit purchaser and / or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and / or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the "Interferences") to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and / or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and / or its occupants. Furthermore, there may be alterations and / or expansions by HONI to its facilities and / or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and / or alterations of such facilities and / or operations on, over or under its transformer station. Furthermore, each unit purchaser and / or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning / vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser's respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor / Declarant.

35. That the Developer covenants and agrees that so long as the City does not object thereto, the language set out in Section 7(a) hereof (or language substantially similar thereto) shall also be included in the Site Plan Agreement entered into by the Developer with the City of Hamilton to be registered on title to the Development.

**Canada Post:**

36. That the owner shall complete to the satisfaction of the Senior Director of Growth Management of the City of Hamilton and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home / business mail delivery will be from a designated Centralized Mail Box.
  - ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
  - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

### **TransCanada Pipelines Limited**

- 37. That written consent must be obtained from TransCanada prior to undertaking the following activities:
  - b. constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences / fence posts;
  - c. conducting a ground disturbance (excavation or digging) on TransCanada's pipeline right-of-way or within 30 metres of centreline of TransCanada's pipe (the "Prescribed Area");
  - d. driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and
  - e. using any explosives within 300 metres of TransCanada's pipeline right-of-way.
- 38. That in addition to the written consent noted above, a locate request must be made to the local one-call notification centre ("One-Call Centre"), a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. TransCanda requests a minimum five business days' notice for any work involving explosives.
- 39. That storage of materials and / or equipment on TransCanada's right-of-way is not permitted.
- 40. That the owner shall ensure all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

## NOTES TO DRAFT PLAN APPROVAL

- a) The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
- b) 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.