



WATEROUS HOLDEN AMEY HITCHON
LAWYERS

Received

SEP 19 2017

**Growth Management
Construction**

20 Wellington Street, P.O. Box 1510, Brantford, ON N3T 5V6 T: 519.759.6220 F: 519.759.8360

FACSIMILE TRANSMISSION COVER PAGE

TO:	PHONE:	FAX:
City of Hamilton Developmental Planning	(905) 546-2720	(905) 546-2764
FROM:	PHONE:	FAX:
John G. Morrissey	(519) 759-6220 x327	(519) 759-8360

September 18, 2017

**RE: Drainage Issues
Our File No. 522030-116234**

Total number of pages being transmitted, including this page is 6. If transmittal is not complete, please contact Patrick Benton-Roy at Ext. 375.

Message:

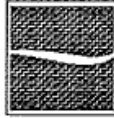
Please find enclosed a letter dated September 18, 2017

Doc ID: 1932407

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- | | | | | | | |
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| Patrick Corless | Deborah Ditchfield * | Sharon Binning | Allan Lovell * | Edward Vance | Clark Holden* <i>Retired</i> | Richard Walcott 1995-2012 |
| James Hitchon * | Brian Finnigan | Sтивен Portelli * | Heather Hall | Jamie Hitchon | Peter Forbes <i>Retired</i> | Paul Amey * 1974-2017 |
| Peter Quinlan | David Clement | Cannis Toussard * | Stephanie Hermans | John Morrissey | Lorne Parkhill <i>Retired</i> | |
| Kevin Davis * | Sandra Gibbons | Andrew Nicholls | Heather Alexander | | Timothy Sheldon <i>Retired</i> | |

* Professional Corporation



WATEROUS HOLDEN AMEY HITCHON
LAWYERS

September 18, 2017

VIA FACSIMILE: 905-546-2764

Development Planning, City of Hamilton
City Hall, 71 Main Street West
Hamilton, ON L8P 4Y5

P.O. Box 1510
20 Wellington Street,
Brantford, ON N3T 5V6
t. (519) 759-6220
f. (519) 759-8360
www.waterousholden.com

Dear Sirs/Mesdames:

**RE: Part of Lot(s) 31, 32, Concession 4
Township of Ancaster, City of Hamilton
Our File No. 522030-116234**

We have been retained by Marshall Thomas with respect to drainage issues that he has been experiencing at his property, located at 919 Trinity Road, Jerseyville, Ontario (the "Property").

Our client's Property is located to the southwest of the Ancaster Industrial Park. As you are aware, the Ancaster Industrial Park is located within the City of Hamilton and is generally bounded by Wilson Street West and Garner Road West to the north, a Hydro One Corridor to the South, Shaver Road to the east and Trinity Road to the west. Drainage of this site is via two (2) small intermittent tributaries (being Drainage Area #1 and Drainage Area #2) which drain southwest to the Grand River. Both tributaries drain from north of Wilson Street West across the Ancaster Industrial Park to the existing Hydro One Corridor.

As a result of the development of the Ancaster Industrial Park, in or about 2004, our client expressed concern to the City of Hamilton and to the Ministry of the Environment ("MOE") with respect to flooding at his Property. Our client requested that the MOE compel the City of Hamilton to conduct an Individual Environmental Assessment in relation to the development at the Ancaster Industrial Park.

In a letter from Leona Dombrowsky of the MOE, Ms. Dombrowsky indicated that an Individual Environmental Assessment was not required, but that the Ministry did require a hydrologic study to be completed to define the existing drainage conditions in drainage areas #1 and #2. In or about 2004, a Municipal Class Environmental Assessment was completed for the Ancaster Industrial Park and Tradewind drive in support of further future development of the area, including the associated road network. We are in receipt of Aquafor Beech Limited's Final Report (the "Report"), dated July 25, 2005, relating to the Hydrology Study ("the Study").

Drainage Area #1 and Pond #1

As outlined in the Report, Drainage Area #1 was partially developed at the time, and drained uncontrolled into the lands south of the Hydro One Corridor. A storm water management pond was planned to accommodate the ultimate development within the Ancaster Industrial Park (Pond #1) and was to be located at the base of the Ancaster Industrial Park. Pond #1 was to be designed to control the post-development flows associated with full ultimate development. We understand that Pond #1 has not been constructed, but that developer Ted Valery is set to construct Pond #1 in the near future. We understand that the preliminary work relating to the environmental assessment is underway.

Drainage Area #2 and Pond #2

Drainage Area #2 was also partially developed at the time of the Study, and drained into an existing storm water management pond located immediately upstream of the Hydro One Corridor. Pond #2 was supposedly designed to control the ultimate post-development peak flows to pre-development rates for all storms up to the 100-year event.

A.J. Clarke and Associates' original design of Pond #2 included approximately 65,000 m³ of storage and an outlet structure consisting of a 525mm diameter pipe (approximately 20 inches) and broad crested 1.5 meter wide rectangular weir. The Report revealed that a field investigation and survey were undertaken to confirm the characteristics of Pond #2. The investigation revealed that the 1.5 meter rectangular overflow weir did not exist. Instead, the overflow section of the pond consisted of a 20-30m wide gentle depression over the 525mm outlet pipe. Significant backwater was also noted at the outlet from pond #2. At the time of the field investigation, the 525mm pond outlet was completely submerged. Furthermore, a survey of the channel immediately downstream of Pond #2 revealed that the outlet channel was on a negative slope for approximately 60 meters downstream of Pond #2, which would result in standing water at the outlet. The Study also revealed that the overflow weir at the pond outlet structure was much wider than the original design.

The Report indicates that at outlet #1, existing outflow rates for the Ancaster Industrial Park were higher than pre-development flows. The authors of the Report indicate that once Pond #1 is constructed, the outflows from drainage area #1 are expected to be reduced to pre-development rates or less. Furthermore, the existing flow durations for outlet #1 were higher than the pre-development scenario, which was attributed to the higher runoff volumes associated with the existing partially-developed land use scenario.

Drainage Issues

Since the extension of Tradewinds Drive, and the increase in the outlet pipe at Pond #2 from 20 inches to 30 inches in or about 2005, our client has experienced flooding at his Property. Our client has discussed this issue with a civil engineer who advises that the

Increase in size of the outlet pipe from 20 inches to 30 inches at Pond #2 has resulted in an increased flow of water that the current drainage system including the swales and ditches located on our client's Property, is not capable of managing. Furthermore, the civil engineer advises that there is no proper control release from Watercourse #1. Accordingly, our client's Property is subjected to consistent flooding. Prior to the development of the Ancaster Industrial Park in the early 2000's, our client did not experience flooding on his Property. The current drainage system is not sufficient and as a result of the consistent flooding, our client is unable to use his Property for agricultural purposes. This issue must be addressed.

Our client advises that Fred Natolochny, supervisor of Resources Planning at the Grand River Conservation Authority, has also confirmed that the flow rate should be reduced. We note that in a letter from Mr. Natolochny to Mr. Robert Walters, Senior Project Manager with the Development Planning department of the City of Hamilton, Mr. Natolochny opines that the area immediately downstream from the area proposed for Pond #1 was not a natural watercourse, as defined in the *Conservation Authorities Act*. We have attached a copy of same for your review.

We kindly ask that the City of Hamilton advise what steps will be taken to ensure that the flow of water from the soon to be constructed Pond #1, which will ultimately drain across our client's land and into the Grand River, will not result in further flooding at our client's Property. We also ask that the City takes steps to address the current drainage issues caused by Pond #2. Our client is adamant that the flooding on his Property stop. Should the City of Hamilton be unwilling to assist our client with this issue, our client will exercise his rights and remedies pursuant to the *Drainage Act*.

We look forward to hearing from you shortly.

Yours truly,
WATEROUS HOLDEN AMEY HITCHON LLP
Per:



John G. Morrissey
JGM/jgm
Email: jmorrissey@waterousholden.com
Direct: (519) 759-6220 x327

Encl. Letter

06/10/2005 FRI 14:24 FAX 905 546 2870 public works

002/005

REC'D DEC 20 2004

Ministry
of the
Environment

Ministère
de
l'Environnement

Office of the Minister

Bureau du ministre

185 St. Clair Ave. West
12th Floor
Toronto ON M4V 1P6
Tel (416) 314-6780
Fax (416) 314-6748

135, avenue St. Clair ouest
12^e étage
Toronto ON M4V 1P6
Tél (416) 314-6780
Téléco (416) 314-6748



Ontario

ENV1283MC-2004-6735

DEC 08 2004

Mr. Marshall Thomas
919 Trinity Road
Jerseyville ON L0R 1R0

Dear Mr. Thomas:

Thank you for your interest in the City of Hamilton's (City) proposed Ancaster Industrial Park Outlet No. 1 and No. 2 (Project). I welcome your comments on this Project.

On March 24, 2004, you requested that the City be required to prepare an individual environmental assessment for the Project. I am taking this opportunity to inform you that a conditional decision has been made that an individual environmental assessment is not required. In making this decision, I have given careful consideration to the Project documentation, the provisions of the *Municipal Engineers Association Municipal Class Environmental Assessment, June 2000* (Class EA), the issues raised in your request, and relevant matters to be considered under section 16 of the *Environmental Assessment Act* (EAA). The reasons for my decision are discussed below.

The City indicates that the stormwater management ponds are designed to maintain pre-development peak flow levels by controlling run-off from the Ancaster Industrial Park for rainfall events up to and including the 100 year storm. In order to identify any issues that may arise following construction, the City has proposed a monitoring program to monitor stormwater quality and quantity at the outlets of the stormwater management ponds. The City has committed to implementing remedial measures should the stormwater management ponds not operate properly.

In order to identify the current conditions before construction takes place, I am requiring the City conduct a study to determine the current pre-development drainage conditions in drainage areas 1 and 2. The purpose of this study is to ensure that after the Project has been implemented any increase in flooding and/or duration of flow could be identified. The study must be designed and prepared in consultation with the ministry's West Central Regional Office. I am satisfied that this measure will ensure that your property is protected.

COPY



06/10/2005 FRI 14:25 FAX 905 546 2870 public works

003/005

Mr. Marshall Thomas:

Page 2

The issues and concerns raised by yourself were extensively reviewed. I am satisfied that the issues and concerns have been addressed by the work done to date by the City, or will be addressed in future work that I am requiring the City to carry out.

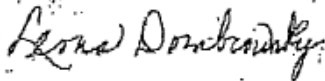
The Class EA is a process by which proponents plan and develop projects of this type, including evaluating alternatives, assessing environmental effects, developing mitigation measures, and consulting with the public, without having to obtain approval from me and the Lieutenant Governor in Council for each individual project.

The Class EA has itself been subject to review and approval under the EAA, which determined, in part, that the application of the Class EA process would enable proponents to meet the intent and purpose of the EAA. The City has demonstrated that it has planned and developed this Project in accordance with the provisions of the Class EA. I am satisfied therefore that the purpose of the EAA, "*the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment*", has been met for this Project.

With this decision having been made, the City can now proceed with the Project, subject to my condition and to any other permits or approvals required. The City must implement the Project in the manner it was developed and designed, as set out in the Project File, and inclusive of all commitments made during the Class EA process, mitigating measures, and environmental and other provisions therein.

Again, I would like to thank you for participating in the Class EA process and for bringing your concerns to my attention.

Sincerely,



Leona Dombrowsky
Minister of the Environment

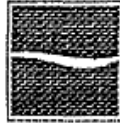
c: Ms. Lorissa Skrypnjak, Public Works, City of Hamilton



Waterous Holden Amey Hitcho

03:17:01 p.m. 09-19-2017

1 / 2



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TO:	PHONE:	FAX:
Carlo Ammendolia City of Hamilton	(905) 546-2720	(905) 540-6142
FROM:	PHONE:	FAX:
John G. Morrissey	(519) 759-6220 x327	(519) 759-8360

September 19, 2017

**RE: Drainage Issues
Our File No. 522030-116234**

Total number of pages being transmitted, including this page is 2. If transmittal is not complete, please contact Patrick Benton-Roy at Ext. 375.

Message:

Please find enclosed a letter from Fred Natolochmy to Robert Walters dated October 24, 2006.

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Grand River Conservation Authority

400 Clyde Road, P.O. Box 729
Cambridge, Ontario N1R 5W6

Telephone (519) 621-2751

Fax (519) 621-4844

Internet: <http://www.grandriver.ca>

October 24, 2006

Mr. Robert Walters
Senior Project Manager
Development Planning, City of Hamilton
City Hall, 71 Main Street West
Hamilton, Ontario, L8P 4Y5

Dear Mr. Walters:

**Re: Duffs Corners Corporate Business Park (25T-91005R)
Lot 34, Conc. 3 Ancaster, City of Hamilton**

On September 28th 2006, Grand River Conservation Authority staff conducted an on site review of the lands downstream of the business park at the request of the landowner. During the site inspection, it appeared that the area immediately downstream from, and including the area proposed for "Pond 1" did not have defined bed and bank directing flow, and so would not be considered a watercourse on the day of our inspection, as defined under the Conservation Authorities Act. We bring this to your attention as the previous comments from this office, and references in the file have identified the area as containing a watercourse. This may impact on the issue of adequate outlet for the proposed storm water management pond.

In discussion with the land owner it appears that a tile drain and grass waterway/swale was installed in the early 1970's. The exact location and capacity of the tile was not established. The state of conveyance prior to the works was also not clearly established (was there a pre-existing watercourse that was eliminated by the works).

While we can not determine if adequate outlet is available for the proposed Pond 1, we are identifying the issue for your consideration. We would be available to discuss this matter further if you believe it would be of assistance.

Yours truly

A handwritten signature in black ink, appearing to read "F. Natolochny".

Fred Natolochny
Supervisor of Resources Planning
Resources Planning

cc. John Morgante, Senior Project Manager, Development Engineering
Marshall Thomas

4893 #



INTERNATIONAL RIVERPRIZE WINNER
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Chan, Alvin

From: Bishop, Kathy
Sent: June-14-17 4:02 PM
To: 'Paul'
Cc: Chan, Alvin
Subject: RE: Ancaster road project and Confederation park project: Paul Glendenning

Good Afternoon Paul,

I have copied your message to Alvin Chan, planner from the City, in the hopes that he can provide you with the information you are requesting regarding the Ancaster road project in the Industrial Park. Thanks.

Kathy Bishop

Executive Assistant to Councillor Ferguson, Ward 12 - Ancaster

Phone 905-546-3196 Fax 905-546-3137



Hamilton www.hamilton.ca

From: Wojewoda, Nikola
Sent: June-08-17 11:43 AM
To: 'Paul'
Cc: Bishop, Kathy; Finelli, Lucy
Subject: Ancaster road project and Confederation park project: Paul Glendenning

Hello Paul,

As both of these locations are not in Ward , the information would best be provided through respective offices, for your convenience they are cc'd here.

(Ward 12)

Councillor Ferguson's Admin, Kathy Bishop 905-546-2424 ext 3196

Kathy.Bishop@hamilton.ca

(Ward 5)

Councillor Collin's Admin, Lucy Finelli 905-546-2424 ext 4679

Lucy.Finelli@hamilton.ca

Thank you,

Nikola

Nikola Wojewoda (prn: Voy-e-Voda)
Administrative & Constituency Assistant
Councillor Aidan Johnson
Ward 1 – Chedoke-Cootes
Phone: 905-546-4528
Nikola.Wojewoda@hamilton.ca

Please Sign up for Ward 1's E-Newsletter <http://www.aidanjohnson.ca/join>

From: Paul
Sent: June-08-17 10:34 AM
To: Wojewoda, Nikola
Subject: [****POSSIBLE SPAM]Status of bat issues and ancaster road project and Confederation park project

Hello Nikola,

On a road extension to be built off an Ancaster industrial park as well as the facility building projects at Confederation park, there were notices sent by I guess the MNRA, because they both impacted local bat habitat.

So I am wondering if 1. I can find out the current status of this issue at each project and 2. be kept up to date so I don't have to keep asking on these two issues?

Thank you,
Paul Glendenning

Chan, Alvin

From: John Bar
Sent: March-31-17 8:36 AM
To: Chan, Alvin
Subject: RE: ZAC-05-063 / 25T-200512

Private citizen request. I'd like the Notice of complete application to see where they want to do retail in an Industrial park.

Thanks, Alvin.

John M. Bar

From: Chan, Alvin [mailto:Alvin.Chan@hamilton.ca]
Sent: Friday, March 31, 2017 8:12 AM
To: [redacted]
Subject: RE: ZAC-05-063 / 25T-200512

Hi John,

What information exactly are you seeking? Also are you representing someone or is this a private citizen request? Please advise and I would be more than happy to provide details upon my return to the office on Monday.

Sincerely,
Alvin

From: John Bar
Sent: March-30-17 8:02 PM
To: Chan, Alvin
Subject: ZAC-05-063 / 25T-200512

Can you please send me information regarding this application to rezone.

Best Regards,

John Bar