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December 10, 2018

City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor,
Hamilton, ON L8P 4Y5

Attn. Mr. Steve Robichaud, MCIP, RPP,
Chief Planner, Director of Planning

Dear Mr. Robichaud:

Re: Our Clients: Johannes (Hans) van Woudenberg and Adriana van Woudenberg
Our Clients' Address: 1266 Mohawk Road, Ancaster
Your File No.: ZAC-17-066 (1274-1280 Mohawk Road, Ancaster, the "Property")
Application for Zoning By-law Amendment (the "Application")
Our File No.: G-30779

**DELIVERED BY EMAIL and
FACSIMILE**
Email: steve.robichaud@hamilton.ca
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Pages: 3
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immediately.

As you are aware, we are the lawyers for Mr. and Mrs. van Woudenberg. They are the owners of 1266 Mohawk Road, Ancaster. This letter is further to my letter of October 11, 2017 which is attached at Appendix E to the City staff report prepared for the City of Hamilton Planning Committee meeting scheduled for December 11, 2018.

In addition to the position of my clients as set out in my letter of October 11, 2017, which concerns remain, the following issues and concerns are to be noted:

1. A. The proposed Zoning By-law as set out at Appendix B of the report does not limit the proposed construction to 2 storeys as recommended. The Neighbourhood Commercial (C2) Zone currently permits 11 metres which could equate to 3 storeys. This must be clarified in the Zoning By-law going forward and must limit this Application and the development, if approved, to 2 storeys.

B. Further, the report, at page 127 next to the "Surrounding Lands", "West" description, continues to incorrectly describe 1248 Mohawk Road as a four-storey building. It is a three-storey building. This was previously noted at paragraph 4 of my letter of October 11, 2017. It is my clients' position that a basement with a walkout facing East is not counted as an

official storey as it is underground on the North, South, and West sides. This needs to be clarified and corrected.

2. A. There has been no effort to address any concerns about tree preservation. Before this Application and development, if approved, can proceed, there must be a more thorough and comprehensive review of tree protection that ensures that tree preservation (an not tree compensation) occurs.

B. At page 137 of the report, paragraph 3 states that the Tree Protection Plan submitted by the Applicant has identified 62 of the 65 trees for removal. 12 trees have been identified in poor condition. It is unclear if any or all of the 65 identified trees are on the property of 1266 Mohawk Road and/or are shared with 1266 Mohawk Road. It is important that any trees on or shared with 1266 Mohawk Road be identified, preserved and protected and this must occur.

C. Further, this paragraph 3 at page 137 of the report notes that “There is opportunity for tree compensation to occur in the 3 m landscape buffer along the east, south, and west property lines”. Confirmation is required that the 3 m landscape buffer is part of the proposed plan for development and that its inclusion is a condition of the Application and development, if approved.

D. It is to be noted that with the development to the west of 1266 Mohawk Road, 80 plus year old trees were lost. The tree compensation with a small tree is not a compensation that is appropriate, and it would make my clients whole or put them in the position that they currently are with fully mature trees.

E. Changes in water flow due to the construction to the West was also a factor in directly killing some of these 80 plus year old mature trees. As such, tree preservation is also directly connected to the storm water removal plan and this too must be addressed if this Application and development is approved.

3. Further, if this Application is approved, there is concern about control and regulation of matters relating to the storm water removal, noise, light, and traffic amongst the other issues that will arise out of the construction and that have not been addressed in the approval of the Application. A particular concern is obstruction of my clients’ driveway as a result of both the development and the construction. My clients’ driveway has in the past has been blocked as a result of the development to the west. This prevented my clients from freely accessing and egressing their property which included medical appointments.

In summary, if this Application is approved, my clients need to know that there is a proper preservation strategy with regard to trees, that there is proper control to ensure that their enjoyment of their property is not interfered with and that the matters set out above are proactively addressed and that they do not merely become part of a compensation strategy.

Our clients reserve the right to supplement the above submissions and to further develop the above as more information and particulars become available.

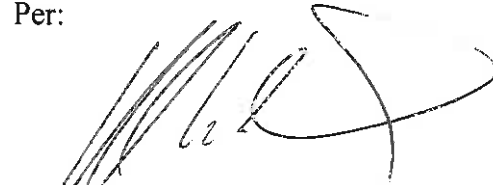
Please note that I am unable to attend the schedule meeting of December 11, 2018 due to a previous commitment that cannot be changed. As such, Mr. Glenn Wellings, MCIP, RPP of Wellings Planning Consultants Inc. will be attending at the meeting on behalf of my clients.

As well, we again ask that you please ensure that you include my clients and our office on all future notices that are to be received with regard to this Application. Thank you.

Yours very truly,

WELLENREITER LLP

Per:

A handwritten signature in black ink, appearing to read 'Richard A. Wellenreiter', written over a horizontal line.

Richard A. Wellenreiter*

RAW/cll
cc. clients