

September 12, 2017

George T. Zajac
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

RECEIVED

SEP 20 2017

Re.: Files: UHOPA-17-25/ ZAC-17-058

Dear Mr. Zajac

We would like to express our great concern regarding the upcoming townhouse development proposed by LIV Developments Ltd.

Below are the main points we would like to address to the City of Hamilton Staff that needs to be considered while approving the proposed construction project:

1. The proposed plan presents the overdevelopment of the site (too dense) it does not harmoniously fit into the design of the existing town house complexes;
2. There are not enough amenities, such as parks (green areas). Play grounds, sports infrastructures, on the Concept Plan that does make the new development the healthy and attractive place to live;
3. The small children and babies that live in our complex, especially those who reside in the corner units, will be affected by noise and dust from this construction project;
4. The beautiful green space and the soccer field that are located in front of our complex will be destroyed as a result of this project.

When reviewing the proposed plan, we would like to ask the City Staff to follow the Provincial Policy Statement (PPS), 2014 and uphold interests of the Panabaker Dr. 39 residents as well as protect the natural resources located on the site.

Sincerely,







Re:UHOPA-25/ZAC-17-058

George T. Zajac, City of Hamilton
Planning and Economic Development Dept.
Development Planning, Heritage and Design Team
George.Zajac@hamilton.ca

The receipt of the neighbourhood notice regarding the application to re-designate subject lands on Garner Road West, compels several comments. This letter is not completely opposed to the plan, however, certain aspects should be carefully considered.

The land in question is one of very few remaining, rapidly diminishing greenspaces in Ancaster on the fringe of the Shaver Secondary Plan and bordering a small protected wetland, once a part of the great Carolinian wetland-prairie-forest ecosystem. The substantial losses of significant natural and cultural areas have completely transformed the character of this area. In a very short time the loss of heritage farm houses, arable farm land, old growth trees and green spaces north of Garner Road from Glanaster to Shaver Road has been breath-taking in scope and has considerably reduced whatever ecological services the areas had provided, such as: carbon sequestration, shading and evaporative cooling, watershed protection, moderating of extreme weather, air filtration, erosion and flooding control, pollinator support and viable habitat linkages. Despite apparent approvals from the various city departments (Planning, Heritage, Environment, Cultural... etc.), the municipality should be cognizant of what is being irrevocably lost. Considering that Ancaster lies near the Niagara Biosphere/Greenbelt in an area containing remnants of surviving Carolinian species diversity (flora and fauna), one would think more caution would be exercised in planning and implementing ‘intensification.’ City councillors and planners are invited to drive out here and see first-hand this astonishing whirlwind loss of greenspace and proliferation of hardscape. Recently wooded and agricultural areas have been utterly eliminated, replaced by enormous, generic residential blocks and commercial strips in vast swathes of brick, mortar and paving, paving, paving... entirely transformed in the last few years.

There is a much bigger issue at stake here that some conscientious, influential municipal or provincial authority should address and act upon.

Observed only in the last couple of years, huge tracts of viable, arable farm land, woodlots, wetlands and water ways have been destroyed or buried. Current signage along Garner peddles hundreds of hectares of farmland and greenspace; available for industrial, business and residential purposes. Remarkably, nature endures in minute micro habitats. As an example, Meadowlands development initiated significant draining and filling of local wetlands, yet, until recently, scraps of rare, unspoiled wetland habitat persisted along Garner’s increasingly busy transportation corridor. This was indicated by the proliferation of native plant species flourishing in roadside ditches, such as: Broad-leaved cattail (*Typha* spp), Blue Vernal (*Verberna hastata*), Arrowhead (*Sagittaria* spp), Boneset (*Eupatorium perfoliatum*) and Joe Pyeweed (*Eupatorium maculatum*) and, remarkably, the conspicuous absence of invasive *Phragmites*. In 2016 even these small fragments started to disappear, very few remain. Overzealous intensification policy will at some point create ecological stresses that will be too much for natural systems to bear and by the time the consequences are recognized it will be too late and it will be everyone’s loss. The benefits of intensification are theoretically intended to contain urban expansion and reduce pressure on farmland and natural areas. The Places to Grow Act advises... “development of vacant, underutilized lots (brown spaces) within previously developed areas, growth made in ways to promote a *healthy environment and culture of conservation*; and not cause unacceptable negative impact”. This is not observed along Garner Road.

Although the subject lands in question were once a wetland- drained for a soccer field- the site lies perilously close to a small creek that flows to the Grand River. The concept plan shows the GRCA has established ‘limit of wetlands’, but what is not acknowledged is the existence and mobility of diverse species oblivious to these artificial boundaries. Planning to situate 117 cheek-by-jowl townhomes on 3.25 Hectares (7.58 acres) substantially encroaches on diminishing habitat effecting species health. Habitat fragments become too small for sustainable populations, a process of amending chipping away that is so prevalent in southern Ontario.

What species are threatened by the ‘subject lands’ amendments, in this little oasis of habitat? Maybe investors, stake holders and politicians really don’t care, but in this small woodland north and west of the planned development... let it be documented that: Red Tailed hawks reliably nested, Coopers and Sharp Shinned hawks frequented and great horned owls have been heard

calling every late winter, early spring. Virginia Rails have foraged along the creek bed and over 45 species of songbirds frequent the area. Commonly observed priority land bird species, include: Willow Flycatcher, Rose-Breasted Grosbeak and Baltimore Oriole. Minimizing any disturbance to breeding populations, and their habitat is an issue to be addressed. Many mammals are in relatively permanent residence, including: deer, fox, ground hog, raccoon, possum and skunk- even beaver and mink have made a rare appearance. Until recently there was an active turtle crossing on Garner Road from Panabaker to Shaver, where numbers of Snapping and Painted turtles were dependably seen every spring. Over the years after unrelenting, seasonal road kill and dwindling sightings we believe the last, large breeding snapper was killed this summer (2017), this would indicate an actual extinction of a local population... as if it needs stating- this is an "unacceptable negative impact". However, several species of amphibian and reptile presently inhabit the area, including robust populations of: Spring Peepers, Gray Tree, Green, Wood and Leopard frogs, American toad (Frog Watch assessment record calling codes largely 2 & 3); also found, Milk, Garter, Ring-necked and de Kay's Brown snakes and an- as yet- unidentified species of salamander. The fireflies, wild turkeys, fox and fawns that once frequented this local woodland are diminishing, and for the first time, Eastern Brown bats have not been witnessed this summer... perhaps as a result of the removal of great numbers of mature trees and snags... bats are not 'pests' but beneficial to ecological equilibrium and a part of the natural food web. For the first time the red tailed hawks have not returned this year (2017) following the building of the Tandl homes on the hill west of this current proposed development. In addition, an actual logging truck packed with mature trees was removed from the site of a large estate home currently being built on Hamilton Drive (also west of the subject lands) where countless indigenous understory wild flowers, including: *trifolium* (spp.), Jack-in-the-pulpit (*arsaema triphyllum*) gay wings (fringed polygala), bloodroot (*sanguinaria canadensis*), bugbane (*actaea racemosa*), *anemone* (spp.), and wild ginger (*asarum canadense*), were bull-dozed in 2016. Presumably and tragically all applications were approved and there are no adequate protections in place for trees or for shrinking populations of native wildflowers. Just because something is legal doesn't make it moral or ethical. Clearly, these constructions have deleterious effects on biodiversity. Combined with these builds and other similar projects promoted (ironically advertising 'ravine/wooded/natural sites' that will be ruined in development process) west of Hamilton Drive, this planned development (305 & 311 Garner Road West) contributes immensely to the pressures on this land area... a death by a thousand cuts.

The Impact of LIV Developments', large-scale concept plan footprint of the proposed 'new community' produces vast quantities of impermeable surface with obvious ramifications. (The LIV name, itself, a perverse irony given the innumerable lives that will be negatively affected). These housing tracts create hectares of impermeable surface, causing harmful run off, contaminating watersheds and increasing incidents of flooding and erosion- particularly in this rare, presumably protected, small wetland pocket- increasingly surrounded by a massive footprint of aggressive hardscaping. In addition, construction permanently degrades top soil, the valuable upper inches of biodiverse microbes destroyed... effectively terminating the beginnings of complex food webs. Additionally, non-native invasive plant species quickly establish (*phragmites*) on disturbed land. These increasingly fractured natural green spaces create isolated habitat islands unfavourable to functioning ecological viability.

Quotes from Hamilton's Plan and Vision Statement include, "maintain existing and establish new functional ecological linkages" ... perhaps, this could be an opportunity. In fact, *if done well*, a sensitive plan for this area's growth could conceivably offer more ecological benefits than the existing soccer field. Expanded green space and buffers (reduce quantity of townhomes), possibly installation of some permeable driveways/paths and extensive planting of native species, especially around the proposed pond and surrounds, could alleviate some environmental stress and serve to welcome wild species into new territory. This is a unique setting in a rapidly urbanized area that provides valuable habitat, as well as, the previously listed ecological services. If only builders, investors and stakeholders could "cultivate a pride and respect for the natural land", as espoused in the Vision Statement, and use a sparing and lighter hand in construction with attention to environmental welfare. Obviously, there would be impacts on profit but it would be of immeasurable worth and benefit to all the living things that call it home... including humans!

Homo sapiens have never been very good sharing resources with other living organisms. Perhaps Hamilton could demonstrate its "promotion of healthy environments and culture of conservation" by enforcing some real control over expanding sprawl and supporting development that actually is "compatible with scale and character of existing neighbourhoods." Rather than approving all the applications of minor and major variances, etc., that fly in the face of existing by-laws, policies could actually be enforced to enhance the community rather than diminish it.

It could be argued, 'it's only a few hectares' ... but in this region it's more accurate to say 'a few hectares to the 'nth', and this particular concept plan encroaches on and threatens an existing, relatively healthy natural habitat supporting many diverse species. It is not NIMBY-ism to want to protect shrinking natural spaces- for the benefit of all (recall "ecological services" cited in second paragraph). Our increasingly rare, natural and cultural heritage spaces should be admired and protected against these cumulative urban pressures. It is an anthropocentric and grave mistake to eliminate what little remains of our fractured and unique Carolinian Forest Zone. In a seemingly land-rich, expansive province like Ontario it is all too easy to hastily develop human interests while vaguely assuming that "there's adequate land left" somewhere else- while most of this 'extra land' is northern and boreal forest. It is clear that the 'intensity of intensification' is unequivocally, irreversibly devastating to diminishing natural lands and the city should acknowledge and act on this reality.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Zajac, George

From: [REDACTED]
Sent: September-13-17 9:07 PM
To: Zajac, George
Cc: Rybensky, Yvette
Subject: Re: Files UHOPA-17-25/ZAC-17-058

Dear George,

We received a letter from the city dated Aug 22, 2017 informing us of the city Zoning and By-law amendments that are proposed to take place in our area of Ancaster for lands located at 305 & 311 Garner Road West. I am a resident of 99 Panabaker Dr.

I am writing you to express my desire to be notified of all decisions in this matter.

I was also hoping for some clarification to the Amendment paragraph of page one of the letter for the ZAC-17-058 section. In this paragraph it mentions "Modified and Private Open Space "O2" Zone as under Zoning By-law 87-57". What does this mean? There is no expression of what is changing in this sentence that I can understand. This is close to or beside the storm water pond area I'm assuming is P1, but the picture is cut off. As a resident, this green space area is beautiful and we were under the impression it could not be touched or destroyed. I would like to understand what the intention is for O2 as it does not appear to be a part of the new residential area.

Appreciate any clarification you could bring to the subject.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Sent: September-18-17 4:51 PM
To: Zajac, George
Cc: Ferguson, Lloyd
Subject: Still more construction in Ancaster?

Dear Mr. Zajac,

I have before me the memorandum/notice/ of 22 August 2017 that I received from your office, indicating the plan to build some 117 townhouse units along Garner Road.

Since Ancaster is already so tragically overcrowded with automobiles that passage along Highway 2 is difficult almost all mornings - and often throughout the day - , I am appalled by this plan. As a resident living in Ancaster for 42 years, while teaching at McMaster University, I have seen this once fine place eroded in the last five years or so by the extensive building of residences that have brought overcrowding and increased pollution to this Ancaster part of greater Hamilton. Ancaster can still be saved by a cessation of the massive building programs that threaten it and will destroy it.

Is it the case that Mr. Lloyd Ferguson, the hitherto experienced Councillor for Ancaster on the Hamilton City Council, could possibly be in support of this sadly misplaced plan? We have been informed that he is proud to be a "lifelong Ancaster resident".

What construction firms intend to build these townhouses?

Please reconsider this planned and destructive building program.

Sincerely,



Doherty Planning and Design
2150 Duncaster Drive,
Burlington, ON, L7P 4N4

September 19, 2017

George T. Zajac
Development Planning, Heritage and Design Team
City of Hamilton Planning and Economic Development Department
Hamilton City Hall
5th floor - 71 Main St. West
Hamilton, Ontario L8P 4Y5

**RE: #305/311 Garner Road West (Ancaster), UHOPA-17-25, ZAC-17-058
Liv Developments**

Mr. Zajac,

I am the agent for the owner of #339 Garner Road West, Malatesta Brothers Construction. We have reviewed the proposed development plan as circulated on August 22, 2017.

We have some concerns with the project as proposed, including compatibility issues caused by the UHOPA, the low number of visitor parking spaces, and the access to the site.

The subject lands wrap around our lands. The Secondary Plan designation Medium Density 2a, (apartment buildings), extends over our lands and into the subject lands. The UHOP amendment will change the designation of lands abutting our northern and eastern property lines to Low Density Residential (Townhouses).

The interface between Medium Density and Low Density is sensitive, and has specific design requirements and constraints. The UHOP has specific design policies to minimize the impacts shadowing, overlook, lighting and other nuisances. If the City approves a change to Low Density for these lands then it will be imposing new design restrictions for our lands. This is exacerbated by the reasonable expectation, given the geometry of the subject lands, that rear yard privacy space will run along our northern property line.

We are opposed to an amendment that would leave development of 339 Garner Road handcuffed in this way. The owners of #339 Garner however are open an amendment that includes their lands. Simply speaking, the owners of #339 will support an amendment that would permit them to develop the northern part of their lands with similar low-density forms, to match up rear yard privacy areas with those on the subject lands. This would make the meeting of UHOP urban design guidelines far easier.

Secondly, the provision of visitor parking spaces within the concept plan greatly concerns us. The plan has 20 spaces for 117 units, or a rate of 0.17 per dwelling. There is and will not be street parking along Garner Road West, and the concept plan blocks its connection

to Van Sickle Street and Panabaker Drive. This means our site, when developed as per the Secondary Plan, would become closest available parking and the default overflow parking for the project. We oppose a parking standard that will put a burden on our lands.

Lastly, we are concerned with the preliminary design for the access to the development. The access driveway appears to be narrower than the City standard pavement width of 7.5 metres and lacking a landscape strip. The plan does not show a normal entrance geometry with curved curbs to allow standard truck movements. A typical entrance could require crossing onto our lands to properly join a widened Garner Road. We oppose zoning provisions that would permit a sub-standard entrance and may compromise vehicular and pedestrian safety. We urge the proponent to re-examine using Vansickle Street as an access, as it provides both a more controlled vehicular flow through the neighbourhood and more amenable pedestrian/cycling route to Panabaker, the school, and the general area.

We are generally supportive of the development of the subject lands. We are happy to meet to discuss our concerns in greater detail with either the City or the proponent.

Sincerely,

Liam Doherty
Doherty Planning and Design