

<p><b>Approved by the O.M.B.</b></p> <p>Issue Date: <u>December 9, 2010</u></p> <p>OMB File</p> <p>Decision/Order No. <u>PL091011</u></p>
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PL091011

**ATTACHMENT "4":****Conditions of Draft Plan of Subdivision Approval for "Empire Nash"**

1. That this approval apply to "Nash Neighbourhood Redline Revision Draft Plan of Subdivision", prepared by Armstrong Hunter and Associates, and certified by Bryan Jacobs, OLS, dated October 2010, showing a maximum of 423 units consisting of: 129 street townhouse residential lots (Blocks A24, A25, A26 and A27), 115 single detached residential lots with 9.2m lot frontages (Blocks A11, A12, A13, A14, A15, A16, A17, A18 and A19), 65 single detached residential lots with 11.0m lot frontages (Blocks A2, A3, A4, A5, A6, A20, A21, A22 and A23), 24 single detached residential lots with 13.4m lot frontages (Blocks A1, A7, A8, A9 and A10), 90 medium density units (Blocks A28 and A29); 4 open space blocks (Blocks A, B, D and E), a stormwater management pond (Block C), a sanitary sewer easement block (Block G), one block to be added to the lands to the west (Block F), and the creation of 10 new internal public roads, (Streets A, B, C, D, E, F, G, H, I and J), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following Special Conditions:
2. That, prior to preliminary grading or servicing, the Owner submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the Owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
3. That, prior to registration of the final plan of subdivision, and at the Owner's expense, the Owner shall submit Architectural and Urban Design Guidelines, prepared by a qualified architect or urban designer (referred to as the "Design Architect"), and where required on the draft plan, be in accordance with the requirements and/or recommendations contained within the Visual Assessment Study approved by the Niagara Escarpment Commission, to the satisfaction of the Director of Planning.
4. That, prior to registration of the final plan of subdivision, and at the Owner's expense, the Owner shall have a "Control Architect", independent of the "Design Architect" firm or individual retained, to the satisfaction of the Manager of Community Planning and Design, and whose function shall be:
  - i) To ensure, amongst other matters, the appropriate development of each lot with respect to siting, built form, materials, colours and landscaping in

compliance with the approved Architectural and Urban Design Guidelines, including the Visual Analysis for Blocks A1 and A10; and,

- ii) To certify, through stamping and signing, all drawings for the development of each lot and or block subject to the architectural guidelines prior to the issuance of any building permit(s).
5. That the Owner agrees, at their expense, to design and construct an entrance feature that is prepared by a qualified landscape architect, to the satisfaction of the Director of Planning and the Director, Operations and Maintenance.
6. That, prior to registration of the final plan of subdivision, the Owner shall submit a Landfill Impact Assessment, to the satisfaction of the Director of Planning. This assessment shall comply with MOE Guideline D-4, Land Use On or Near Landfills and Dumps. Specifically, this study shall consider landfill-generated gases, ground and surface water, contamination by leachate, odour, litter, contaminant discharges associated with vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, vectors and vermin, and the migration of methane gas. The assessment shall identify any required remediation measures, controls, or conditions that should be included if the proposed development is approved in order to minimize adverse effects on the proposed land use from the landfill. The Landfill Impact Assessment, and any studies completed as part thereof, must be completed by qualified experts. Should peer reviews of the assessment or any separate reports prepared as part of the assessment be warranted, all associated costs shall be borne by the Owner and shall be submitted, to the satisfaction of the, Director of Planning.
7. That, prior to registration of the final plan of subdivision, the Owner shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer and containing the recommended control measures, shall be submitted, to the satisfaction of the, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner and shall be submitted, to the satisfaction of the Director of Planning and Director of Development Engineering.
8. That, prior to registration of the final plan of subdivision, the Owner submits an addendum to the Environmental Impact Statement (EIS), prepared by Stantec, dated February 22, 2008, for review by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), and implement the recommendations/mitigation measures as requested by the City of Hamilton, to the satisfaction of the Director of Planning.

9. That, prior to the issuance of any building permit, the Owner shall submit a signed Record of Site Condition (RSC) to the Director of Planning and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
10. That, prior to the issuance of building permits for any lot for a single detached dwelling where an interior side yard setback is less than 1.2 metres, that the Owner establish all required maintenance easements or such other mechanism that will allow for maintenance to the satisfaction of the City Solicitor and Director of Planning. Where a foundation wall must be constructed prior to final determination of the easement location, the Owner shall agree, in writing, that the maintenance easements or any other mechanism that has been approved by the City Solicitor and Director of Planning will be established prior to occupancy, all to the satisfaction of the Director of Planning.
11. That, prior to registration of the final plan of subdivision, Block "B" ("Nash II" Archaeological site AhGx-248) and Block "E" ("Nash IV" Archaeological Site AhGx-250) be conveyed to the City.
12. Those, prior to registration of the draft plan of subdivision, the Owner provide the sum of \$25,000 to be placed in a City fund for the perpetual care and maintenance of Blocks "B" and "E", to the satisfaction of the Director of Planning.
13. That, prior to registration of the final plan of subdivision, the Owner prepare, at their expense, an archaeological site management plan for Blocks "B" and "E", prepared by a licensed archaeologist from the City of Hamilton's roster, to the satisfaction of the Director of Planning detailing, but not limited to:
  - i) The intended long-term use of the Blocks "B" and "E";
  - ii) Any means of long-term physical definition and protection of the sites;
  - iii) Surface treatment (e.g. ground-cover);
  - iv) Neighbourhood and Councillor engagement; and,
  - v) First Nations engagement, and the nature of this involvement.
14. That, prior to registration of the final plan of subdivision, the Owner agree to the inclusion in the Subdivision Agreement of the following warning clause:

"Purchasers are advised that despite the fact the City has ownership of the archeological sites, maintenance of those sites will be at a minimum, and the sites will remain in a natural state, which may become of concern, occasionally interfering with some activities of the abutting land owners."
15. That, prior to registration of the final plan of subdivision, the Owner agrees to prepare and implement a grading plan, incorporating the recommendations of the final Visual Impact Assessment, to address the final building height for

Blocks "A1" and "A10", to the satisfaction of the Director of Engineering in consultation with the Niagara Escarpment Commission.

16. That, prior to registration of the final plan of subdivision, storm sewers, sanitary sewers and water shall be available to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.
17. That, prior to registration of the final plan of subdivision, the Owner agree that the subject lands shall not be developed until such time trunk sanitary sewer and watermain, including appurtenances, are constructed in accordance with the City Water/Wastewater Master Plan, and the supporting Conceptual Design Report for the Centennial Parkway Trunk Feeder main and Sanitary Sewer, and Related Master Plan Projects (March 2009), to the satisfaction of the Director of Development Engineering
18. That, prior to servicing, the Owner agree to prepare a comprehensive functional servicing plan for the Nash Neighbourhood for sanitary sewer and watermain servicing. For sanitary servicing, the servicing plan shall investigate alternative servicing options; e.g. deep gravity system vs. shallow gravity system with a pumping station, to the satisfaction of the Director of Development Engineering.
19. That, prior to registration of the final plan of subdivision, the Owner agree that the subject lands shall not be developed until such time as full municipal services including sanitary sewers, storm sewers, watermain, and fully urbanized roadway are constructed, at the Owner's expense, on Green Mountain Road West from Upper Centennial Parkway to the west limits of the subject lands, to the satisfaction of the Director of Development Engineering.
20. That, prior to servicing, the Owner include in the engineering design for the draft plan lands installation of a minimum 1.5m high chainlink fence along the rear yard and side yard of Blocks "A6", "A7", "A8", "A9", and the sideyard of Block "A10, which abut SWM Block "C" and Open Space Block "B", to the satisfaction of the Director of Development Engineering.
21. That, prior to servicing, the Owner include in the engineering design for the draft plan lands installation of a minimum 1.5m high chainlink fence along the side yard of Blocks "A10" and "A11", which side yards abut Sanitary Sewer and Watermain Easement Block "G", to the satisfaction of the Director of Development Engineering.
22. That, prior to servicing, Owner agree to prepare a detailed stormwater management report to address quality and quantity control, as well as 5 year and 100 year storm, including provisions for a major overland flow route for review and approval by the Director of Development Engineering and all other appropriate agencies, with sufficient back-up information, to verify that the stormwater management facility has been designed with a suitable outlet and in

accordance with current storm water management guidelines, and that the land area designated for a storm water management facility will accommodate the proposed facility. Further, the Owner shall submit: (i) a maintenance plan for the SWM facility; and, (ii) a monitoring plan that describes how the performance and effectiveness of the SWM pond will be monitored to ensure that the SWM quality and quantity control criteria are achieved.

23. That, prior to registration of the final plan of subdivision, the Owner agrees to:

- i) Operate and maintain, in an acceptable manner, SWM facility throughout the construction of all stages of draft plan registration, or until a time as established by the Director of Development Engineering, and monitor such operation and effects thereof;
- ii) Assume full responsibility for the cost to operate and maintain the SWM facility, including any changes to conditions of the MOE's approval until such time that the facility is assumed by the City of Hamilton;
- iii) Provide an operation and maintenance manual, to the satisfaction of the Director of Development Engineering, for the SWM facility, and agree to inspect/monitor and maintain the SWM facility in accordance with said manual throughout construction, or until a time as established by the Director of Development Engineering; and,
- iv) Keep detailed logs concerning performance and required maintenance activities for the pond, including costs for cleaning and removal of sediment etc., to the satisfaction of the Director of Development Engineering. This information is to be included in the operation and maintenance manual that will be provided to the City of Hamilton by the Owner upon the future assumption of the facility,

all to the satisfaction of the Director of Development Engineering.

24. That, prior to registration of the final plan of subdivision, the Owner agree to convey sufficient lands (Block "C") to the City of Hamilton for the purposes of an adequately sized Stormwater Management (SWM) Facility, to the satisfaction of the Director of Development Engineering.

25. That, prior to registration of the final plan of subdivision, the Owner shall prepare a Groundwater Study, which shall assess the impact the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the Owner shall propose appropriate mitigative measures to address the concerns; to the satisfaction of the Director of Development Engineering.

26. That, prior to servicing, the Owner shall submit a hydrogeological study, prepared by a qualified professional, that assesses impacts to existing and future homes, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts, such as continuously running sump pumps both during construction and post construction and to undertake any remedial works, as recommended, including monitoring, to the satisfaction of the Director of Development Engineering.
27. That, prior to servicing, the Owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells, prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Director of Development Engineering.
28. That, prior to registration of the final plan of subdivision, the Owner provide an engineering design for a suitable servicing easement for water, sewer, and road access through Block "A29" to provide for servicing of the future redevelopment of private lands known as 403, 405, 407, 411, and 413 Upper Centennial Parkway, to the satisfaction of the Director of Development Engineering.
29. That, prior to registration of the final plan of subdivision, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the intersection of Street "A" and Street "B" (north intersection), Street "A" and Street "D", Street "A" and Street "E", Street "B" and Street "D", Street "B" and Street "E", Street "B" and Street "F", Street "F" and Street "G", Street "F" and Street "H", Street "G" and Street "H", all to the satisfaction of the Director of Development Engineering.
30. That, prior to registration of the final plan of subdivision, 4.5 metre x 4.5 metre daylight triangles be established on the final plan of subdivision at the "L" shaped bends on Street "B" at the corner of Block "A15" and Block "A22", and the "L" shaped bends of Street "H" at the corner of Block "A5", all to the satisfaction of the Director of Development Engineering.
31. That, prior to registration of the final plan of subdivision, 7.0 metre x 7.0 metre daylight triangles be established on the final plan of subdivision at the south intersection of Street "A" and Street "B", to the satisfaction of the Director of Development Engineering.
32. That prior to registration of the final plan of subdivision, the Owner agree to dedicate the necessary lands for daylight triangles to accommodate the ultimate design of intersection upgrades at the intersection of the widened limits of Green Mountain Road West at Upper Centennial Parkway, to the satisfaction of the Manager, Traffic Engineering and Operations, and the Director of

- Development Engineering. In the event there are temporary works required, the Owner further agree that he will be responsible for all related costs of installation, removal, and restoration.
33. That, prior to registration of the final plan of subdivision, a 7.0 metre x 7.0 metre daylight triangle be established on the final plan of subdivision, at the intersection of the widened limits of Green Mountain Road West and Street "A", to the satisfaction of the Director of Development Engineering.
  34. That, prior to registration of the final plan of subdivision, the final plan of subdivision include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by Owner's certificate on the plan, to establish the widened limit of Green Mountain Road West at 13.0 meters from centerline of the original road allowance, to the satisfaction of the Director of Development Engineering.
  35. That, prior to registration of the final plan of subdivision, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey sufficient lands for a sanitary sewer easement, to the satisfaction of the Director of Development Engineering.
  36. That, prior to servicing, the Owner shall include in the engineering design for the draft plan lands installation of 1.5m wide sidewalks on both sides of Streets "A" and "F"; the outer loop of Streets "B" and "H", the north side of Streets "D" and "E", the south side of Street "G", the west side of Streets "I" and "J", however, all subject to change in accordance with the current applicable City sidewalk policy in affect at the time of engineering approval, to the satisfaction of the Director of Development Engineering.
  37. That, prior to servicing, the Owner include in the engineering design, the driveway locations for the bend in Street "B" and the cul de sacs at the north limits of Streets "C" and "F", to the satisfaction of the Director of Development Engineering, and the Manager of Traffic Engineering and Operations.
  38. That, prior to servicing, the Owner shall implement recommendations of a Geotechnical report, prepared by a qualified consultant, to the satisfaction of the Director of Development Engineering.
  39. That, prior to registration of the final plan of subdivision, the Owner, through a qualified consultant shall: maintain and monitor the existing siltation/erosion control; provide monthly reports until the completion of sodding, all to the satisfaction of the Director of Development Engineering.
  40. That, prior to registration of the final plan of subdivision, the Owner shall include in the engineering design verification that the proposed water main system

provides adequate domestic and fire flows in accordance with MOE requirements, to the satisfaction of the Director of Development Engineering.

41. That, prior to servicing, the Owner shall agree that a maximum of 100 residential units of the final plan shall be permitted to be constructed with only one (1) public road access to service each phase of the development. A second public road access to the subject lands is required, prior to development, beyond the initial 100 residential units, to the satisfaction of the Director of Development Engineering.
42. That, prior to registration of the final plan of subdivision, the Owner agree to urbanize Green Mountain Road West from Upper Centennial Parkway to the west limit of the draft plan lands, including the installation of sewers and sidewalks in accordance with requirements of the Nash Neighbourhood Secondary Plan, to the satisfaction of the Director of Development Engineering, and the Director of Operations and Maintenance.
43. That, prior to servicing, the Owner prepare a street parking plan for Streets 'A', 'B', 'D', 'F', 'G', 'H', 'I' and 'J', based on the premise of achieving on street parking for 40% of the total units, to the satisfaction of the Director of Development Engineering, and the Director of Operations and Maintenance.
44. That, as part of the engineering design, the Owner agree that surface drainage from larger width abutting lots will not be permitted to drain through adjacent narrow width lots, to the satisfaction of the Director of Development Engineering.
45. That, prior to registration of the final plan of subdivision, the Owner pay their proportionate share for the future urbanization of Upper Centennial Parkway, adjacent to the east limit of the subject lands, based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Director of Development Engineering.
46. That, prior to registration of the final plan of subdivision, the Owner agree to complete, at their own expense, an Environmental Assessment (Class Environmental Assessment) for the realignment of First Road West and Green Mountain Road West; or, the Owner provide evidence that the Class EA is not necessary, to the satisfaction of the Director of Capital Planning and Implementation, and the Director of Development Engineering.
47. That, prior to registration of the final plan of subdivision, the Owner is to finalize the Traffic Impact Study prepared for the Nash Neighbourhood development lands. The report will consider safety, capacity, phasing, and provide recommendations for improvements in location, geometry and/or intersection control. The report will include development of the Nash Neighbourhood, and

include potential development of the surrounding neighbourhoods, to the satisfaction of the Director of Operations and Maintenance.

48. That, prior to registration of the final plan of subdivision, the Owner shall be responsible for any roadway improvements required on the adjacent road networks as a result of the proposed development identified through the Traffic Impact Study or staff recommendations. Potential works to include design, new roadway construction, pavement widening of existing roads for additional turning lanes or centre two-way left turn lanes, urbanization, traffic signal installation or roundabout construction, signal hardware upgrades at existing signalized intersections, median construction, pavement markings and signage. Roundabout feasibility analysis is suggested to be undertaken by a consultant well versed in Rodel and roundabout design. The Traffic Impact Study has identified the limits of review, including Mud Street and also Highland Road, to the satisfaction of the Director of Operations and Maintenance.
49. That, prior to registration of the final plan of subdivision, the Traffic Impact Study for the Nash Neighbourhood lands, prepared by the Owner (Cole Engineering Group Ltd.), will be peer reviewed by a City of Hamilton roster traffic consultant, at the expense of the Owner. The City's roster consultant shall review the submitted traffic impact studies for the following developments to ensure that a consolidated analysis of all intersections in the study area and their impacts on the road network and adjacent neighbourhoods has been addressed. The peer review analysis will also identify an overview of the recommended improvements required on the arterial and collector road network to ensure an acceptable level of service is achieved, to the satisfaction of the Director of Operations and Maintenance. The traffic impact studies and/or development applications to be reviewed in the peer review exercise are:
- Paletta International Commercial lands @ Mud Street and First Road West (File Nos. ZAC-04-092 and ZAH-06-34).
  - Upper Centennial Developments (File Nos. ZAC-06-99 and OPA-06-26).
  - ORC lands Mud Street at Isaac Brock (File Nos. ZAC-08-062, OPA-08-012 and 25T-200806).
  - City of Hamilton Sports Park Complex Expansion.
  - Penny Lane Estates, Felker (File Nos. ZAC-08-077 and 25T-200808).
  - Paletta International Residential lands, Felker (File Nos. ZAC-09-031 and OPA-09-008).

50. That, prior to registration of the final plan of subdivision, at the Owner's expense, the Owner will be responsible for base road surveying, engineering, potential roundabout or traffic signal design, and pavement marking design for development related projects. At the Owner's expense, they will be required to hire a traffic engineering consultant, approved by the City, to provide City formatted engineering drawings. The City would monitor the roundabout and/or traffic signal design, and pavement marking design, and once the design is close to completion, City staff would finalize the details. Traffic signal, roundabout and pavement marking design drawings must be approved and signed by the Manager of Traffic Engineering and Operations.
51. That, prior to registration of the final plan of subdivision, the Owner dedicate sufficient lands from the north-west corner of Green Mountain Road West at Upper Centennial Parkway to complete intersection traffic control upgrading or re-alignment, based on the approval by the City of the Owner's Traffic Impact Study. The dimensions of the land to be dedicated cannot be confirmed at this time, however, we advise that a 15m x 15m daylight triangle will likely be necessary. The required size of the triangle may increase depending on the ultimate intersection location and upgrades required to accommodate Nash Neighbourhood traffic, multi-lane roundabout or traffic signal, to the satisfaction of the Director of Operations and Maintenance.
52. That, prior to registration of the final plan of subdivision, that the Owner upgrade the existing intersection of Green Mountain Road West at Upper Centennial Parkway, at their cost, in accordance with the recommendations of an approved Class EA process, to the satisfaction of the Director of Operations and Maintenance.
53. That, prior to registration of the final plan of subdivision, that Green Mountain Road West be upgraded to an urban cross-section from Upper Centennial Parkway through the limits of their property, to the satisfaction of the Director of Operations and Maintenance.
54. That, prior to registration of the final plan of subdivision, the urbanization of Green Mountain Road West will include the requirement that the Owner undertake to confirm that the required sightline standards have been met at the intersection of Green Mountain Road West at Street 'A'. The Owner shall incorporate TAC methods in the calculations i.e. driver height at future neighbourhood road intersections looking east and west to the windshield (considering street lights on the roadway) of vehicle on Green Mountain Road, 10 km/h over posted speed, sight lines for left and right turns to attain 85% of design speed per TAC, etc, all to the satisfaction of the Director of Operations and Maintenance.
55. That, prior to registration of the final plan of subdivision, that Green Mountain Road West along the extent of the subject lands, be designated a 26 metre

road allowance width collector road, with on-street bike lanes, to the satisfaction of the Director of Operations and Maintenance.

56. That, prior to registration of the final plan of subdivision, that the driveway locations at the bend in the Street 'B' be located, to the satisfaction of the Manager of Traffic Engineering and Operations. The driveways must be shown on approved engineering drawings, to the satisfaction of the Director of Operations and Maintenance.
57. That, prior to registration of the final plan of subdivision, that the lots at the north end of Street 'F' be reconfigured to avoid the cul-de-sac road design; if not possible, driveway locations on the cul-de-sac at Street "F" will be relocated. The driveway must be shown on approved engineering drawings, to the satisfaction of the Director of Operations and Maintenance.
58. That, prior to registration of the final plan of subdivision, that the driveway locations on Street 'C' be located, to the satisfaction of the Manager of Traffic Engineering and Operations. The driveway must be shown on approved engineering drawings, to the satisfaction of the Director of Operations and Maintenance.
59. That, prior to registration of the final plan of subdivision, that an On-Street Parking Plan be prepared to address lot sizes and the capability of the road network to accommodate on-street parking for the neighbourhood, and still maintain emergency routes and road maintenance activities, to the satisfaction of the Director of Operations and Maintenance.
60. That, prior to registration of the final plan of subdivision, Street 'A' at the southerly intersection with Street 'B', must intersect with as much of a 90 degree angle as possible. The plan shall be modified to provide a straight approach and departure at the intersection, to the satisfaction of the Director of Operations and Maintenance.
61. That, prior to registration of the final plan of subdivision, the Owner prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
  - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;
  - b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

- c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
  - d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
62. That, prior to registration of the final plan of subdivision, the Owner prepare and implement a stormwater management plan and detailed design engineering drawings for the subject property, to the satisfaction of the Hamilton Conservation Authority (HCA) and the Director of Engineering, ensuring all Provincial, municipal, and HCA policies and standards are met.
63. That, prior to registration of the final plan of subdivision, the permanent storm water management facility be dedicated to the City of Hamilton for ownership and maintenance.
64. That, prior to registration of the final plan of subdivision, the Owner prepare and implement a landscaping plan for the storm water management facility, to the satisfaction of the Hamilton Conservation Authority and the Director of Planning.
65. That, prior to registration of the final plan of subdivision, the Owner demonstrates, to the satisfaction of the Hamilton Conservation Authority and the Director of Development Engineering, that all major flows, including external drainage, can be conveyed safely, and that all Provincial, municipal, and HCA policies and standards are met.
66. That, prior to registration of the final plan of subdivision, the Owner prepare and implement detailed design drawings that are prepared by a qualified fluviogeomorphologist for the proposed channel works, in accordance with the modeling prepared by MTE Consultants Ltd. in their Functional Floodline Analysis study, dated September 2009, to the satisfaction of the Hamilton Conservation Authority and the Director of Development Engineering.
67. That, prior to registration of the final plan of subdivision, the Owner retain, at their expense, a qualified engineer to undertake a structural assessment of the existing weir structure located at the downstream end of the farm pond, and that any identified necessary repair and/or replacement works be implemented to ensure the structural integrity of the man-made structure, to the satisfaction of the Hamilton Conservation Authority and the Director of Development Engineering.
68. That, prior to registration of the final plan of subdivision, the Owner retain, at their expense, a qualified geotechnical engineer to undertake an assessment of the Eramosa Escarpment slope, and determine whether the proposed

- residential development will have any impacts on slope stability, to the satisfaction of the Hamilton Conservation Authority.
69. That, prior to registration of the final plan of subdivision, a Tree Protection Plan be prepared and implemented that outlines how the proposed retained trees will be protected from development activities prior to and during construction and/or grading activities, to the satisfaction of the Hamilton Conservation Authority.
  70. That, prior to registration of the final plan of subdivision, all proposed outdoor lighting located adjacent to the ESA and buffer lands be configured or appropriately shielded to prevent the intrusion of light into these habitat areas, to the satisfaction of the Hamilton Conservation Authority and the Director of Planning.
  71. That, prior to registration of the final plan of subdivision, the Owner prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
  72. That, prior to registration of the final plan of subdivision, the applicant install chain link fencing, or other acceptable type, at the rear of all lots and blocks that abut open space blocks, to the satisfaction of the Hamilton Conservation Authority and the Director of Development Engineering.
  73. That, prior to registration of the final plan of subdivision, the Subdivision Agreement include a clause and identify on the grading and drainage plans, a requirement for a permit to be obtained from the Hamilton Conservation Authority under its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*, prior to the initiation of any watercourse alterations, and/or construction and grading works within the Authority's regulated areas.
  74. That, prior to registration of the final plan of subdivision, the Subdivision Agreement include a clause acknowledging that approval is required under the Federal Fisheries Act from the Department of Fisheries and Oceans, prior to any watercourse alterations.
  75. That, prior to registration of the final plan of subdivision, all open watercourse channels and associated flood and erosion hazard lands be contained within an appropriate Open Space zone, to the satisfaction of the Hamilton Conservation Authority.
  76. That, prior to registration of the final plan of subdivision, the Visual Impact Assessment is finalized to ensure acceptable building heights for Block A1 and Block A10, to the satisfaction of the Niagara Escarpment Commission

77. That, the Owner acknowledges development of Block A1 and Block A10 will be subject to final Site Plan Approval prior to the issuance of any building permit(s).
78. That prior to the registration of the final plan of subdivision, measurements by Industry Canada, of radio frequency electromagnetic fields adjacent to the Owner's lands are completed and submitted to the City and that the City is advised by Industry Canada there are no Safety Code 6 Guideline issues resulting from development of the Owner's lands and that any recommendations by Industry Canada applicable to the Owner are implemented by the Owner or their implementation is secured by the Owner to the satisfaction of the Director of Planning.
79. That, the owner shall agree in the **Subdivision Agreement**, to include and demonstrate the inclusion, to the satisfaction of the Director of Planning, the following warning clauses in all offers of purchase and sale within 120 m of the common boundaries of the Juch-Tech Property and the Empire Property:

"Residents are advised that they are located and will be living in proximity to a telecommunications facility holding a Class "A" license for the provision of telecommunications services, as well as a radio license from Industry Canada with approval to access space segments on specific satellites for an indefinite period. This establishment has been in operation since March 1999 and involves the use of a number of parabolic reflector antennae (earth stations) and the emission of microwaves through airspace above certain areas within the Nash Secondary Plan area. Residents in the area are advised they will be living adjacent to and underneath those transmissions and that they could be subject to interference, with any communications or other electronic equipment and appliances in use in their home, which interference may affect the ability to use such appliances."

The aforesaid warning clause shall not be discharged.

80. That, the owner shall agree in the **Subdivision Agreement**, to include the following warning clause:

**"Purchasers of any lots within 120 m of the common property boundaries of the Juch-Tech Property and the Empire Property are advised and acknowledge, covenant and agree that:**

Purchasers are advised and hereby put on notice that any lot purchased is located in proximity to a telecommunications facility holding a Class "A" license for the provision of telecommunications services, as well as a radio license from Industry Canada with approval to access space segments on specific satellites for an indefinite period. This establishment has been in operation since March 1999 and involves the use of a number of parabolic reflector

antennae (earth stations) and the emission of microwaves through airspace above certain areas within the Nash Secondary Plan area. Residents in the area are advised they will be living adjacent to and underneath those transmissions and that they could be subject to interference, with any communications or other electronic equipment and appliances in use in their home, which interference may affect the ability to use such appliances."

81. That, the owner shall implement the recommendations in the peer review by AMEC of the Landfill Impact Assessment study submitted by the applicant.
82. That, the owner shall agree in the Subdivision Agreement to pay for the costs associated with a peer review by a qualified professional engineer, to verify the risk model data employed by GlobalTox contained within the Revised Landfill Impact Assessment titled "Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood" revised and dated September 14, 2010 and prepared by MTE Consultants Inc., for the purpose of confirming the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.
83. That, prior to the issuance of building permit, implementation of the approved Revised Landfill Assessment prepared by MTE Consultants and dated September 14, 2010 and peer reviews thereof, pertaining to the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills shall be certified by a qualified professional engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots/blocks within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.
84. Prior to building permit issuance the owner shall demonstrate to the Director of Development Engineering that the Owner has made arrangements to include the following condition in any building permit to be issued for all lots/blocks within 500m of the Operating and Closed Landfills:

"A clayey silt soil layer is required to be added to the bottom of the basement excavation prior to foundation work being performed in accordance with the subdivision agreement. The Owner shall provide the Building Inspector with a confirmation from a Professional Engineer that the clayey silt soil layer has been installed in accordance with the Revised Landfill Impact Assessment titled "Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood" revised and dated September 14, 2010 and prepared by MTE Consultants Inc. and peer review thereof as required in the subdivision agreement,

**prior to pouring of the footings."**

85. That, **the owner shall** plant street trees of a sufficient quantity and quality, included as part of the Street Tree Planting Plan, within the boulevard on the west side of Street 'A' between Green Mountain Road West and the south side of Block 'A25' to the satisfaction of the Director of Planning.
86. That, prior to the registration of the final plan of subdivision, a landscape plan shall be prepared to the satisfaction of the Director of Planning that provides for tree planting of sufficient quantity and quality along the south side of Block "A25" to the satisfaction of the Director of Planning and that the Owner shall agree in the Subdivision Agreement to implement said landscape plan and that the Owner shall include, in all offers of purchase and sale within Block "A25", provision for the implementation of the approved landscape plan.
87. That, **prior to servicing**, at the Owner's expense, the applicant shall construct a 1.8m tall chain-link fence along the entire southerly side of Block 'A25' parallel on the south side of the southerly lot line of Block 'A25'. Further, should the owner and the adjacent property owner whose property the chain-link fence would be located on are not able to arrange a mutually agreeable schedule and terms on the construction of said fence, then the applicant shall advise the Director of Planning of such a problem, and should further negotiations fail and no agreement is achieved that would enable the fence to be constructed by the Owner in a timely manner such that erection of the fence would impact the timing of construction of the necessary servicing for the subdivision, that this condition shall be considered null and void and waived for the purposes of clearing conditions of Draft Plan Approval, all to the satisfaction of the Director of Engineering.
88. That, **prior to servicing**, the Owner include in the engineering design for the draft plan lands installation of a minimum 1.8m tall board on board fence along the southerly limits of Block 'A25' to the satisfaction of the Director of Planning.
89. That Owner shall not be permitted cost recoveries for Street A from the City through best efforts by the City or any other actions by the City, save and except for over-sizing in accordance with the City's Financial Policies for Development to the satisfaction of the Director of Development Engineering.
90. That **prior to registration of the final plan** of subdivision, or any phase thereof containing Streets "G" and "H", that the Owner shall demonstrate to the Director of Planning that the Owner has provided road and servicing access from Streets "G" and "H" to the abutting lands and that the Owner has provided to the Owner(s) of 601 Upper Centennial Parkway, Roll No. 251800351083600, Terranet Pin No. 17091133, Part of Lot 25, Concession 5, a copy of the most current plan proposed to be registered.

91. That, the Owner shall not be permitted access from: (a) Upper Centennial Parkway to the lands within the draft plan; and (b) Green Mountain Road to Blocks A28 and 'A29'.
92. That no direct driveway access shall be permitted to individual lots or units from Street "A" to Block "A28".
93. That the Owner shall agree in the Subdivision Agreement that Block "F" shall be conveyed, immediately consecutive to the registration of the final plan, to the owner of the abutting lands to the west for nominal consideration and that at the time of conveyance Block "F" shall be sodded at the Owner's expense, all to the satisfaction of the Director of Planning. In addition, and prior the registration of the final plan, the Owner shall make arrangements satisfactory to the City Solicitor and Director of Planning ensuring the conveyance of Block "F", immediately consecutive to registration of the final plan, to the owner of the abutting lands to west for nominal consideration and that Block "F" will be sodded at the Owner's expense at the time of conveyance.
94. That **prior to registration of the final plan**, that the Owner include on the Plan of Subdivision and all applicable Engineering Design Drawings, 0.3m reserves, to be dedicated to the City of Hamilton on the west side of Street 'A' from Green Mountain Road to the southerly limits of Block 'A25' and on the south side of Blocks 'A28' and 'A29' from Street 'A' to the easterly limits of Block 'A29' and on the west side of 'A29' adjacent to Upper Centennial Parkway, all to the satisfaction of the Director of Planning.
95. That prior to servicing the Owner submit an updated Functional Servicing Report and Stormwater Management Report to address approved zoning provisions concerning lot coverage, impervious surface areas, lot grading and servicing and implement in accordance with approval of said documents to the satisfaction of the Director of Development Engineering.
96. That, **prior to registration** the Owner install a minimum 1.8m high black vinyl chain link fence, at the expense of the Owner, 0.3m from the easterly limits of Block 'F' running from the southerly to the northerly limits of Block 'F', to the satisfaction of the Director of Planning.
97. That, **prior to registration** of the final plan of subdivision, the Owner shall secure a storm drainage easement north of the storm water management pond outlet in favour of the City across private lands abutting the lands of the draft plan; to the satisfaction of the Director of Development Engineering.

