



Hamilton

COMMITTEE OF ADJUSTMENT

City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5

Telephone (905) 546-2424, ext. 4221, 3935

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING **Consent/Land Severance**

You are receiving this notice because you are either:

- Assessed owner of a property located within 60 metres of the subject property
- Applicant/agent on file, or
- Person likely to be interested in this application

| | | | |
|-------------------------|-------------------|--------------------------|---|
| APPLICATION NO.: | FL/B-23:09 | SUBJECT PROPERTY: | 191 & 193 MILL STREET S, FLAMBOROUGH |
|-------------------------|-------------------|--------------------------|---|

APPLICANTS: Owner: ANDRE & HELEN DESROCHERS
Agent: MIKE DESROCHERS

PURPOSE & EFFECT: To permit the conveyance of a parcel of land containing a single detached dwelling and to retain a parcel of land containing a single detached dwelling.

| | Frontage | Depth | Area |
|--|----------------------|----------------------|----------------------|
| SEVERED LANDS (193 Mill Street South): | 7.39 m [±] | 29.30 m [±] | 0.19 ha [±] |
| RETAINED LANDS (191 Mill Street South): | 17.75 m [±] | 54.77 m [±] | 0.21 ha [±] |

Associated Planning Act File(s): N/A

This Notice must be posted by the owner of any land which contains seven or more residential units so that it is visible to all residents.

This application will be heard by the Committee as shown below:

| | |
|---------------|--|
| DATE: | Thursday, March 30, 2023 |
| TIME: | 3:40 p.m. |
| PLACE: | Via video link or call in (see attached sheet for details) |
| | To be streamed (viewing only) at www.hamilton.ca/committeeofadjustment |

FL/B-23:09

For more information on this matter, including access to drawings illustrating this request and other information submitted:

- Visit www.hamilton.ca/committeeofadjustment
- Email Committee of Adjustment staff at cofa@hamilton.ca
- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935

PUBLIC INPUT

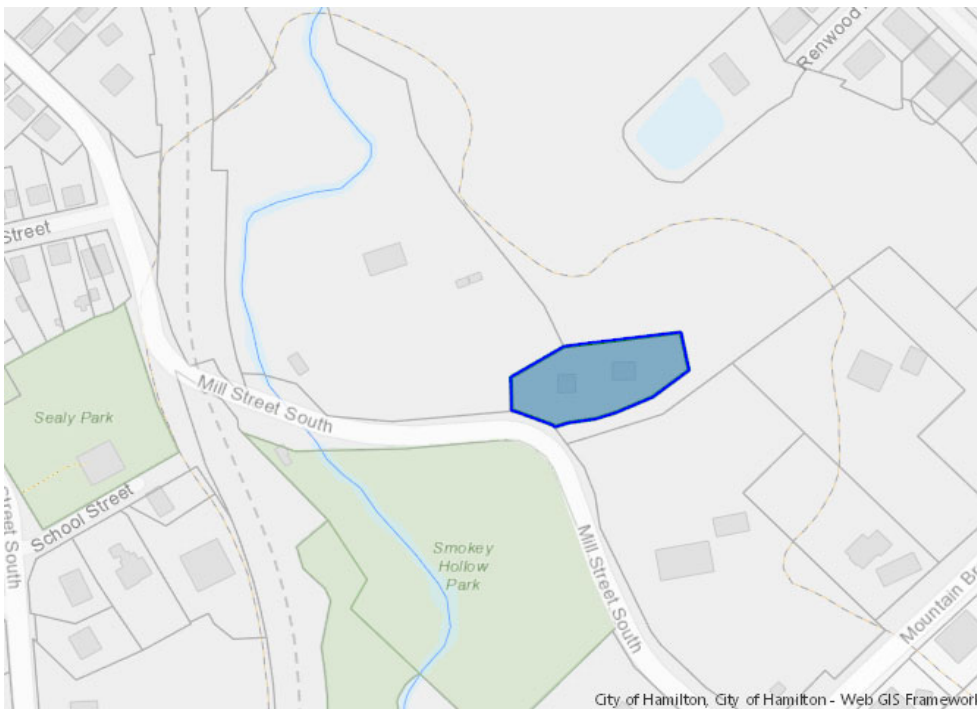
Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

FURTHER NOTIFICATION

If you wish to be notified of future Public Hearings, if applicable, regarding FL/B-23:09, you must submit a written request to cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.

If you wish to be provided a Notice of Decision, you must attend the Public Hearing and file a written request with the Secretary-Treasurer by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.



 Subject Lands

If a person or public body that files an appeal of a decision of The City of Hamilton Committee of Adjustment in respect of the proposed consent does not make written submissions to The City of Hamilton Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

DATED: March 14, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.

PARTICIPATION PROCEDURES

Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to provide comments in writing or via email in advance of the meeting. Comments can be submitted by emailing cofa@hamilton.ca or by mailing the Committee of Adjustment, City of Hamilton, 71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5. **Comments must be received by noon two days before the Hearing.**

Comments can also be placed in the drop box which is located at the back of the 1st Floor of City Hall, 71 Main Street West. All comments received by noon two business days before the meeting will be forwarded to the Committee members.

Comments are available two days prior to the Hearing and are available on our website: www.hamilton.ca/committeeofadjustment

Oral Submissions During the Virtual Meeting

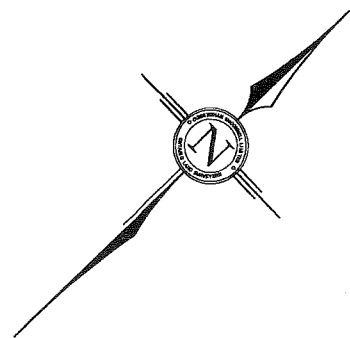
Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating through Webex via computer or phone. Participation in this format requires pre-registration in advance. **Interested members of the public must register by noon the day before the hearing.**

To register to participate by Webex either via computer or phone, please contact Committee of Adjustment staff by email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221. The following information is required to register: Committee of Adjustment file number that you wish to speak to, the hearing date, name and address of the person wishing to speak, if they will be connecting via phone or video, and if applicable the phone number they will be using to call in. A separate registration for each person wishing to speak is required. Upon registering for a meeting, members of the public will be emailed a link for the Webex meeting the Wednesday afternoon before the hearing. The link must not be shared with others as it is unique to the registrant.

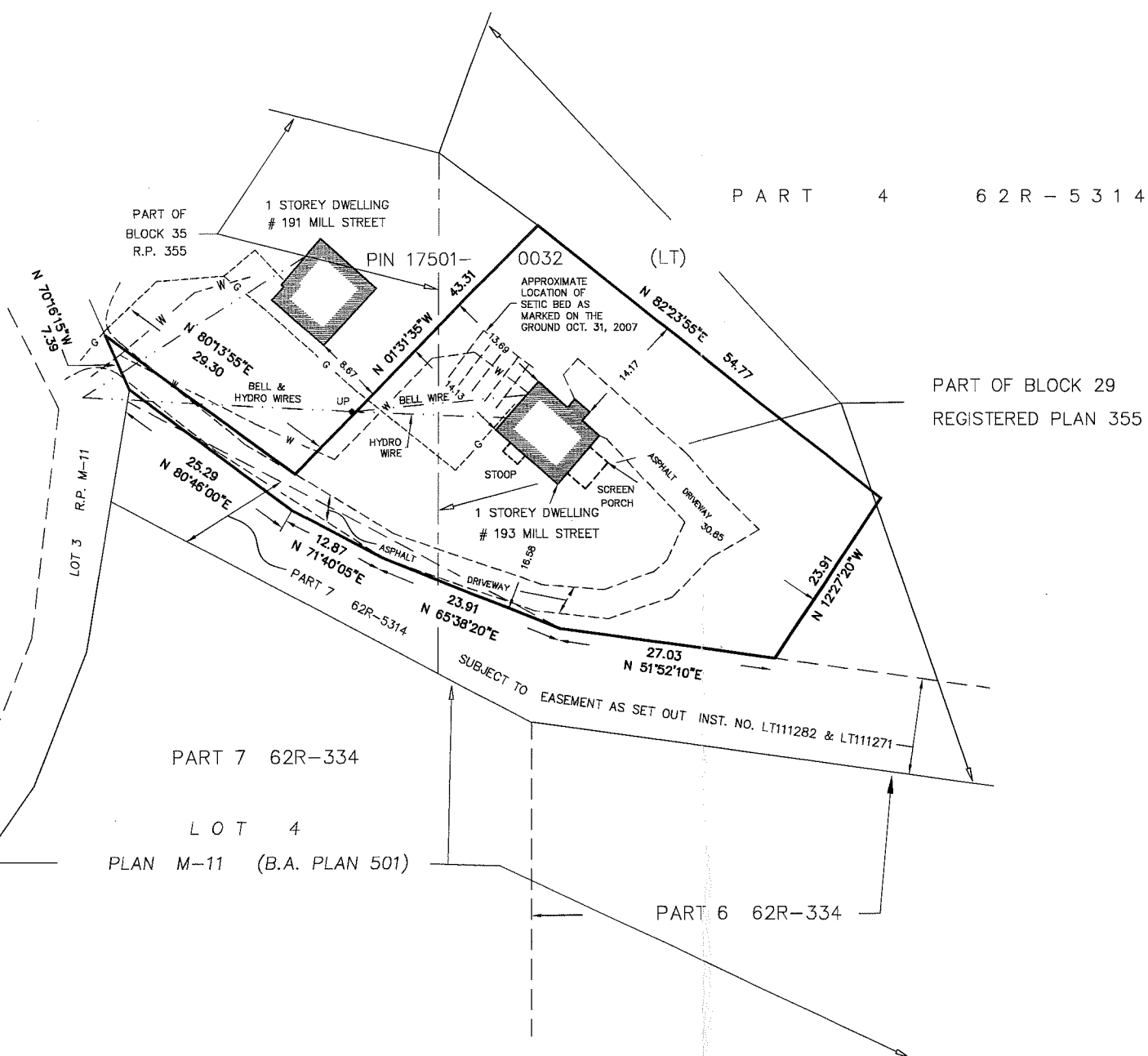
All members of the public who register will be contacted by Committee Staff to confirm details of the registration prior to the Hearing and provide an overview of the public participation process.

We hope this is of assistance and if you need clarification or have any questions, please email cofa@hamilton.ca or by phone at 905-546-2424 ext. 4221.

Please note: Webex (video) participation requires either a compatible computer or smartphone and an application (app/program) must be downloaded by the interested party in order to participate. It is the interested party's responsibility to ensure that their device is compatible and operating correctly prior to the Hearing.



MILL STREET SOUTH
(BY REGISTERED PLAN M-9)
(B.A. PLAN 499)
PIN 17501-0017 (LT)



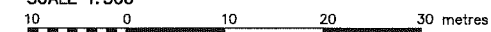
(PROPOSED PARCEL IS SUBJECT TO WATER RIGHT AS IN WT2033 AND SUCH RIGHTS AS IN AB98633)

HOUSE SKETCH SHOWING PROPOSED PARCEL OF

PART OF BLOCKS 29 & 35
REGISTERED PLAN NO. 355

NOW IN THE
CITY OF HAMILTON

SCALE 1:500



GRAPHIC SCALE

CUNNINGHAM McCONNELL LIMITED
ONTARIO LAND SURVEYOR

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LEGEND

— G — DENOTES BURIED GAS SERVICE
— W — DENOTES BURIED WATER SERVICE
UP DENOTES UTILITY POLE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE FIELD WORK SHOWN HEREON WAS
COMPLETED ON FEBRUARY 11, 2009.

DATE: FEBRUARY 11, 2009

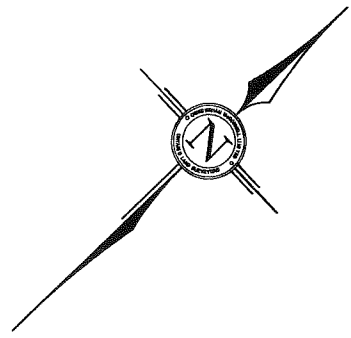
THOMAS J. PACKOWSKI
ONTARIO LAND SURVEYOR

CUNNINGHAM McCONNELL LIMITED
ONTARIO LAND SURVEYORS

205 MAIN STREET
MILTON, ONTARIO L9T 1N7
PHONE (905) 878-6672
FAX (905) 878-6672
EMAIL ADDRESS: cml@primus.ca

1200 SPEERS ROAD, UNIT 38
OAKVILLE, ONTARIO L6L 2X4
PHONE (905) 845-3497
FAX (905) 845-3519
EMAIL ADDRESS: cmlols@cogeco.net

O.L.S. FILE # 07-3874-5



HOUSE SKETCH SHOWING PROPOSED PARCEL OF
PART OF BLOCKS 29 & 35
REGISTERED PLAN NO. 355
NOW IN THE
CITY OF HAMILTON

SCALE 1:500
10 0 10 20 30 metres

GRAPHIC SCALE
CUNNINGHAM McCONNELL LIMITED
ONTARIO LAND SURVEYOR

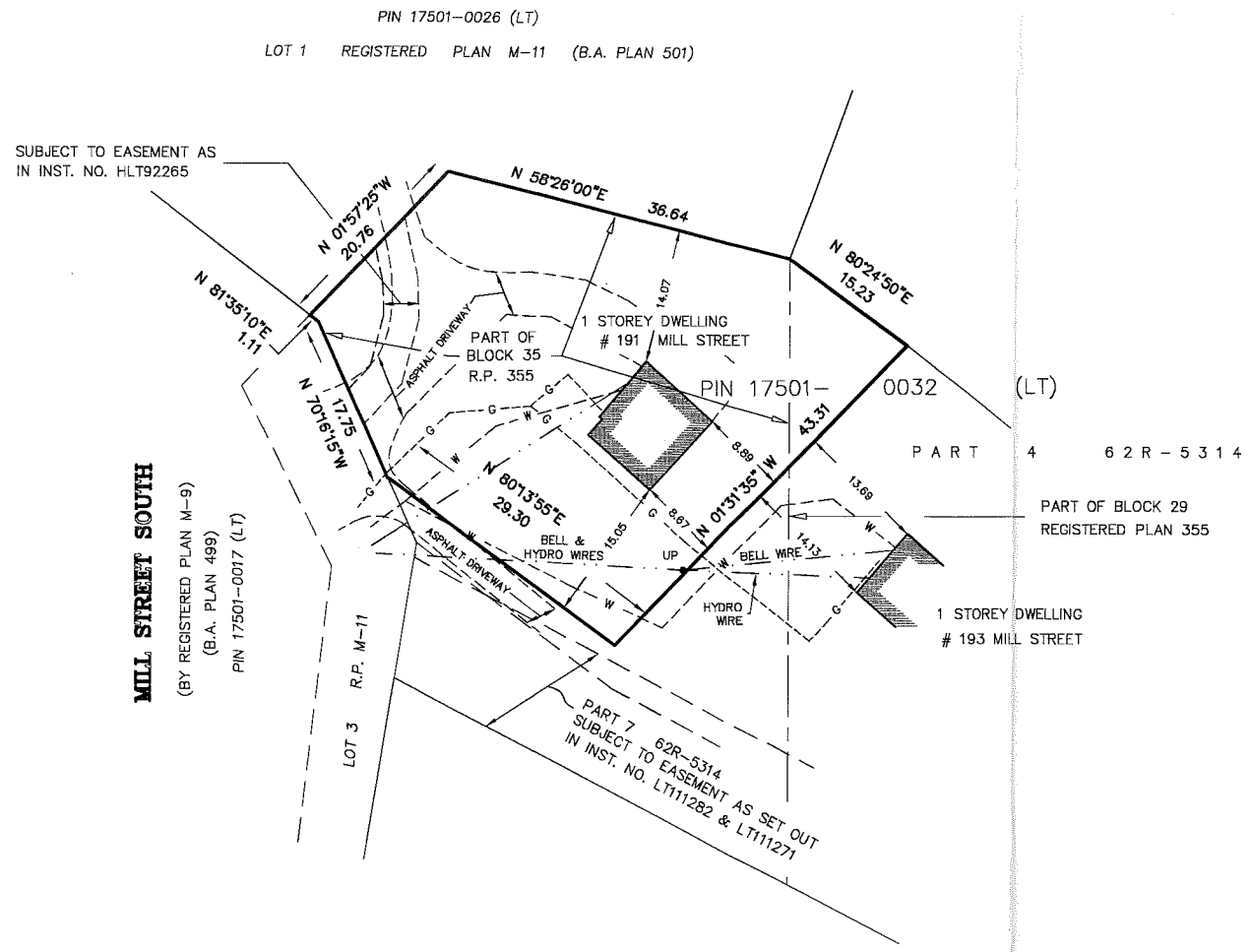
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205 MAIN STREET
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EMAIL ADDRESS: cml@primus.ca

1200 SPEERS ROAD, UNIT 38
OAKVILLE, ONTARIO L6L 2X4
PHONE (905) 845-3487
FAX (905) 845-3519
EMAIL ADDRESS: cmlols@cogeco.net



Hamilton

Planning and Economic Development Department
71 Main Street West, 5th Floor
Phone: 905-546-2424 Ext. 5863 Fax: 905-546-4202
Charlie.toman@hamilton.ca

April 5, 2022

Andrej Obradovic
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1

Dear Mr. Obradovic,

Re: Request for Comments
NEC Development Permit Application
W/R/2021-2021/416
191 & 193 Mill Street South
(Former) Town of Waterdown, City of Hamilton

The applicant is proposing to construct the following on an existing 0.4 ha (1.1 ac) lot:

To sever a ± 0.19 ha (0.48 ac) lot from the existing 0.4 ha (0.99 ac) lot, with a retained lot of 0.21ha (0.52 ac), and to demolish the existing dwellings and construct a new one and a half storey ± 204.4 sq m (2,200 sq ft) dwelling on the severed lot and to construct a one and a half storey ± 260.1 sq m (2,800 sq ft) dwelling and a one and a half storey ± 65 sq m (700 sq ft) accessory building (detached garage) on the retained lot.

Urban Hamilton Official Plan

The subject lands are designated "Open Space" in Schedule "D" Urban Land Use Designations. The following policy, amongst others, applies:

"E2.8 The Major Open Space system identified on Schedule E – Urban Structure includes the predominant natural and open space features that form part of a continuous system throughout the urban area. These features are comprised of the Niagara Escarpment and associated environmentally significant areas, the Red Hill Valley, Cootes Paradise, and Waterfront areas including, the West Harbour Area and the Waterfront Trail, Confederation Park, and the Hamilton Beach Recreational Trail.

Function

E2.8.1 The Major Open Space system provides for a variety of passive and active recreational opportunities for residents and visitors to the City.

E2.8.2 The Major Open Space system is not the urban area a natural heritage system, although some of its features shall also form part of the natural heritage system. Schedule B – Natural Heritage System delineates the Natural Heritage System.”

“C1.1.1 “Any development within the Niagara Escarpment Plan Area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan, the most restrictive policies will prevail.”

The Open Space designation in the Urban Hamilton Official Plan does not contemplate lot creation for new residential development. Planning staff understand that there are currently two detached dwellings located on the property and defer to the Niagara Escarpment Commission on whether the continued use is supported under the Niagara Escarpment Plan. If the Niagara Escarpment Commission’s interpretation is that a Niagara Escarpment Plan Amendment is required to allow the proposal, Planning staff will also require the applicant submit a Rural Hamilton Official Plan amendment in order to ensure alignment between the NEP and RHOP.

Consent Application

Planning staff note that a Consent application to the City of Hamilton Committee of Adjustment to facilitate the proposed severance. City staff may have additional comments and conditions for that application.

Flamborough Zoning By-law 90-145-Z

The property is zoned Parkway Belt Open Space (O1) to which the proposed use does not comply.

The ‘O1’ zone, requires a minimum lot frontage of 30.0m and a minimum lot area of 2,000.0m². The minimum required lot frontage cannot be met for both the severed and the retained lot. The minimum required lot area can only be met for the retained lot.

Archaeology:

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) Along historic transportation routes;

- 3) In the vicinity of distinctive or unusual landforms; and,
- 4) In areas of pioneer EuroCanadian settlement.

1) These criteria define the property as having archaeological potential. Accordingly, Section 2.10 of the *Niagara Escarpment Plan* states:

- 1) *Development shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved.*
- 2) *Where proposed development is likely to impact cultural heritage resources or areas of archaeological potential, the proponent shall undertake a heritage impact assessment and/or archaeological assessment. The proponent must demonstrate that heritage attributes will be conserved through implementation of proposed mitigative measures and/or alternative development approaches.*

If this application is approved, the NEC must attach a condition to the approval as follows:

“Condition: That the proponent shall carry out an archaeological assessment of those areas subject to this application, including new structures, associated driveway and any associated landscape alterations or soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity, septic beds or ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances should take place on the subject property prior to the approval of the Director of Planning, the Niagara Escarpment Commission, and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) confirming that all archaeological resource concerns have met licensing and resource conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).”

(CR 2022-01-12)

Built Heritage:

The subject property is listed as a non-designated property on the City of Hamilton’s Municipal Heritage Register (“the Register”) and was surveyed in 2020 as part of the Waterdown Village Built Heritage Inventory. It is part of the Village of Waterdown Cultural Heritage Landscape. As a non-designated property on the Register, interim protection from demolition is provided and **the property owner must provide Council with 60-days notice of intent to demolish or remove a building or structure on property.**

Additionally, the property is *adjacent* to the following non-designated properties included in the City's Register:

- 265 Mill Street South;
- 345 Mountain Brow Road;
- 183 Mill Street South;
- 181 Mill Street South; and,
- 150 Mill Street South.

Accordingly, the following sections of the Urban Hamilton Official Plan, Volume 1, apply:

- B.3.4.1.3 "Ensure that all new *development*, *site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*." and,
- B.3.4.2.1(g) "Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals."
- B.3.4.2.1(h) "Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City."

The applicant proposes to sever a ± 0.19 ha (0.48 ac) lot from the existing 0.4 ha (0.99 ac) lot, with a retained lot of 0.21 ha (0.52 ac), and to demolish the existing dwellings and construct a new one and a half storey ± 204.4 sq m (2,200 sq ft) dwelling on the severed lot and to construct a one and a half storey ± 260.1 sq m (2,800 sq ft) dwelling and a one and a half storey ± 65 sq m (700 sq ft) accessory building (detached garage) on the retained lot.

Staff are of the opinion that the subject application may affect the heritage attributes of the Registered heritage property. As such, if this application is approved, the NEC must attach a condition to the approval as follows:

- 1) That the applicant submit and implement a Cultural Heritage Impact Assessment to the satisfaction and approval of the Manager of Development Planning, Heritage and Design prior to any approval.

Cultural Heritage Impact Assessments (CHIA) are used to evaluate potential development and site alteration of cultural heritage resources and demonstrate how the heritage attributes of the on-site and adjacent heritage resources will be conserved through mitigative measures and/or alternative development approaches as required.

CHIA reports shall be prepared in conformity with the City's Heritage Impact Assessment guidelines and shall be submitted for review by Planning staff and the Hamilton Municipal

Heritage Committee prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

The Heritage Impact Assessment will also be forwarded to the Policy and Design Working Group of the Hamilton Municipal Heritage Committee for their review and comment prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

Any recommendations for alternatives or mitigative measures coming out of the Cultural Heritage Impact Assessment shall be included as conditions of future development applications.

Development Engineering Approvals:

1. Provided that existing drainage conditions on the property are being maintained with the proposal, Development Engineering Approvals has no major concerns/further comments from a grading and drainage perspective.
2. For the information of the applicant, future applications with the City of Hamilton will require the proponent to apply for a severance application and consent agreement for the proposed severed and retained properties.

Source Water Protection Comments:

Given the application states that the proposal will fully connect to municipal water/sewer services and that the property falls within the urban boundary, we have no comments. Should you have any questions please contact me at 905-546-2424 x2365 or by e-mail at tu.vu@hamilton.ca.

Forestry

There are no Municipal Tree Assets located on site; therefore, Tree Management will not be required.

No Landscape Plan required.

We encourage you to forward a complete copy of our comments to the applicant and should you or the Applicant require clarification or technical assistance, please do not hesitate to contact me at (905) 546- 2424 Ext. 7375.

Natural Heritage:

The subject properties are located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System), Core Areas have been identified adjacent to the subject property. These Core Areas have been identified as Grindstone Valley Environmentally Significant Area (ESA), Grindstone Creek Area of Natural and

Scientific Interest (ANSI), Significant Woodland and watercourse. The watercourse is also regulated by Conservation Halton (CH).

As per policy C.2.3 of the UHOP, any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions. Since the area has been previously disturbed by the existing homes, it is anticipated that the proposed development will not further negatively impact the City's Natural Heritage System.

It is important to note that a portion of 191 Mill Street South is located within the CH's regulated area. It is advised that the applicant contact CH to determine if there would be any further requirements (i.e. permits).

Tree Resources: Based on aerial photograph interpretation, trees have been identified within the subject properties. The City recognizes the importance of trees and woodlands to the health and quality of life in the community and encourages the protection and restoration of trees (policy C.2.11.1). Trees will be impacted from the proposed demolition of existing structures as well as the proposed new development.

A Tree Protection Plan (TPP), identifying the species, condition, number of trees removed, and tree protection measures has not been provided with this application.

To ensure that existing tree cover is maintained, 1 for 1 compensation is required for the removal of any private tree (10 cm DBH or greater). This compensation is typically identified on a Landscape Plan. A Landscape Plan has not been provided with this application.

If a Development Permit is issued, the following conditions are required:

- Condition #1: ***Prior to the issuance of Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the City of Hamilton, Manager of Development Planning, a Tree Protection Plan. This Plan is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).***
- Condition #2: ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the City of Hamilton, Manager of Development Planning, a Landscape Plan prepared by a qualified Landscape Architect. This Plan shall show the location of trees required to compensate for the loss of tree cover.***

Zoning

1. The subject property falls within the Niagara Escarpment Commission's Development Control Area. As such, the Niagara Escarpment Commission regulates development

and provisions contained within the former Flamborough Zoning By-law 90-145z do not apply to said portion of the lands.

2. The following comments are based on the regulations of the (O1) zone. Please note that these comments are provided for information purposes only for the portion of the lands within the Niagara Escarpment Commission's Development Control Area.
3. The applicant proposes to sever a ± 0.19 ha lot from the existing 0.4 ha lot, with a retained lot of 0.21ha. The proposal will also include the demolition of the existing dwellings following with the construction of a new one and a half storey ± 204.4 sq m dwelling on the severed lot and the construction of a one and a half storey ± 260.1 sq m dwelling including a one and a half storey ± 65 sq m accessory building (private detached garage) on the retained lot.
4. The 'O1' zone, requires a minimum lot frontage of 30.0m and a minimum lot area of 2000.0m². The minimum required lot frontage cannot be met for both the severed and the retained lot. The minimum required lot area can only be met for the retained lot.
5. Please note that single detached dwellings are not permitted under the underlying 'O1' (Parkway Belt Open Space) zone.
6. In addition, to item #4 above, the 'O1' (Parkway Belt Open Space) Zone, is subject to the following regulations:

| (Flamborough Zoning By-law 90-145z) - Section 24 | Required | Provided | Conforms/ Non-conforming |
|---|--|---------------------|---------------------------------------|
| Maximum building height <i>As per Section 24.2 (c)</i> | 11.0m | No details | Unable to determine compliance |
| Maximum lot coverage <i>As per Section 24.2 (d)</i> | 10.0% | No details provided | Unable to determine compliance |
| Minimum Front Yard <i>As per Section 24.2 (e)</i> | 15.0m | No details provided | Unable to determine compliance |
| Minimum Rear Yard <i>As per Section 24.2 (f)</i> | 7.5m | No details provided | Unable to determine compliance |
| Minimum interior Side Yard <i>As per Section 24.2 (g)</i> | 7.5m | No details provided | Unable to determine compliance |
| Minimum Exterior Side Yard <i>As per Section 24.2 (h)</i> | 15.0m | No details provided | Unable to determine compliance |
| Minimum Landscaping Open space <i>As per Section 24.2 (i)</i> | No minimum | | N/A |
| Parking <i>As per Section 5.21.1</i> | A minimum of one (1) parking space shall be provided for a single detached dwelling. | No details provided | Unable to determine compliance |
| Accessory buildings – Section 5.2. | | | |

| (Flamborough Zoning By-law 90-145z) - Section 24 | Required | Provided | Conforms/ Non-conforming |
|---|--|---------------------|---------------------------------------|
| Maximum Height <i>As per Section 5.2.2</i> | No accessory building or structure shall exceed 4.6 metres in height subject to the provisions of subsection 5.9. | No details provided | Unable to determine compliance |
| Location in relation to a front yard <i>As per Section 5.2.3 (a)</i> | No accessory building or structure shall be permitted within a required front yard or a required exterior side yard | No details provided | Unable to determine compliance |
| Location in relation to a side or rear lot line <i>As per Section 5.2.3 (b)</i> | No accessory building or structure shall be located within 1 metre of an interior side lot line or rear lot line, except for a jointly owned double garage which may be across a mutual side lot line; | No details provided | Unable to determine compliance |
| Maximum lot coverage <i>As per Section 5.2.4</i> | The total lot coverage of all accessory buildings or structures on a lot, except for swimming pools, shall not exceed 5 percent of the lot area. The lot coverage of all accessory buildings or structures shall be included within the total lot coverage on any lot. | No details provided | Unable to determine compliance |

7. This property is included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest as a non-designated property. Council requires 60 days' notice of any intention to demolish or remove any building or structure on the property.
8. Construction of the proposed development is subject to the issuance of a building permit in the normal manner. Be advised that Ontario Building Code regulations may require specific setback and construction types.
9. Demolition of the existing buildings is subject to the issuance of demolition permits in the normal manner.
10. The lands are subject to Site Plan control.
11. All new signs proposed for this development must comply with the regulations contained within the Sign By-law 10-197.
12. All new fences proposed for this development must comply with the regulations contained within the Fence By-law 10-142.
13. The designer shall ensure that the fire access route conforms to the Ontario Building Code.

Conclusion

Based on the above comments staff are supportive of the NEC Development Permit being issued and recommends that the application be approved with conditions.

CONDITIONS:

1. If determined to be necessary by the Manager, Development Planning, the owner shall submit and receive final and binding approval of an Urban Official Plan Amendment for the subject lands to the satisfaction of the Manager, Development Planning.
2. To the satisfaction of the Manager of Heritage & Urban Design, the following is required:

That the proponent shall carry out an archaeological assessment of those areas subject to this application, including new structures, associated driveway and any associated landscape alterations or soil disturbance, in addition to any areas impacted by the installation of services, such as water, electricity, septic beds or ground-source heat pumps. The proponent shall mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances should take place on the subject property prior to the approval of the Director of Planning, the Niagara Escarpment Commission, and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) confirming that all archaeological resource concerns have met licensing and resource conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the MHSTCI.

Should deeply buried archaeological materials be found on the property during any of the above development activities the MHSTCI should be notified immediately (416-212-8886). In the event that human remains are encountered during construction, the proponent should immediately contact both MHSTCI and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-212-7499).

3. To the satisfaction of the Manager of Heritage & Urban Design, the following is required:

That the applicant submits and implement a Cultural Heritage Impact Assessment prior to any approval.

4. To the satisfaction of the Manager of Heritage & Urban Design, the following is required:

- ***Prior to the issuance of Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the City of Hamilton, Manager of Development Planning, a Tree Protection Plan. This Plan is to be prepared by a recognized tree management professional (i.e. certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).***
- ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the City of Hamilton, Manager of Development Planning, a Landscape Plan prepared by a qualified Landscape Architect. This Plan shall show the location of trees required to compensate for the loss of tree cover.***

If you have any questions regarding the above comments, please contact Morgan Gowans at 905 546 2424 Ext. 5865 or Morgan.Gowans@hamilton.ca

Regards,

A handwritten signature in black ink, appearing to read 'Charlie Toman', with a stylized, cursive script.

Charlie Toman, MCIP, RPP
Senior Project Manager
Development Planning,

Ministry of Citizenship and Multiculturalism (MCM)

Archaeology Program Unit
Heritage Branch
Citizenship, Inclusion and Heritage Division
5th Floor, 400 University Ave.
Toronto ON M7A 2R9
Tel.: (416) 414-7787
Email: Jessica.Marr@ontario.ca

Ministère des Affaires civiques et du Multiculturalisme (MCM)

Unité des programme d'archéologie
Direction du patrimoine
Division de la citoyenneté, de l'inclusion et du patrimoine
5e étage, 400 ave. University
Toronto ON M7A 2R9
Tél. : (416) 414-7787
Email: Jessica.Marr@ontario.ca



Oct 28, 2022

Shane McCartney (P321)
Earthworks Archaeological Services
162 Catharine Hamilton ON L8N 2J8

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 2 Archaeological Assessment 191 & 193 Mill Street South Part of Blocks 29 & 35, Registered Plan 335 Part of Lot 6, Concession 3 Geographic Township of East Flamborough City of Hamilton ", Dated Oct 27, 2022, Filed with MCM Toronto Office on N/A, MCM Project Information Form Number P321-0380-2022, MCM File Number 0016776

Dear Mr. McCartney:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Michael Desrochers, Michael Desrochers
Morgan Gowans, City of Hamilton

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.



Stage 1 Archaeological Assessment

**191 & 193 Mill Street South
Part of Blocks 29 & 35, Registered Plan 335
Part of Lot 6, Concession 3
Geographic Township of East Flamborough
City of Hamilton**

Prepared for:
Michael Desrochers
193 Mill Street
Hamilton, Ontario
L0R 2H0

**Licensee: Michael Golloher
PIF: P1037-0157-2022
Original Report**



Earthworks
ARCHAEOLOGICAL SERVICES INC.

Earthworks Archaeological Services Inc.
2365 Watts Road,
Haliburton, Ontario
K0M 1S0

July 13, 2022



Stage 2 Archaeological Assessment

191 & 193 Mill Street South
Part of Blocks 29 & 35, Registered Plan 335
Part of Lot 6, Concession 3
Geographic Township of East Flamborough
City of Hamilton

Prepared for:
Michael Desrochers
193 Mill Street
Hamilton, Ontario
L0R 2H0

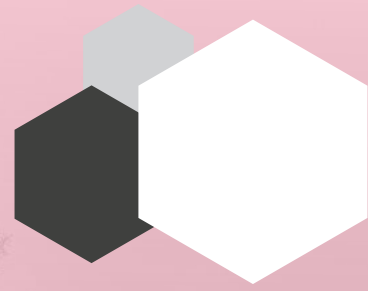
Licensee: Shane McCartney
PIF: P321-0380-2022
Original Report



Earthworks
ARCHAEOLOGICAL SERVICES INC.

Earthworks Archaeological Services Inc.
2365 Watts Road,
Haliburton, Ontario
K0M 1S0

October 27, 2022



BRIGHT
PAST

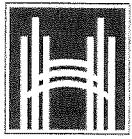
Heritage Consulting Inc.

August 2022

Cultural Heritage Impact Assessment

191 and 193 Mill Street South
Waterdown (City of Hamilton)

Prepared for Mike Desrochers



Hamilton

Committee of Adjustment
City Hall, 5th Floor,
71 Main St. W.,
Hamilton, ON L8P4Y5

Phone: (905) 546-2424 ext. 4221
Email: cofa@hamilton.ca

**APPLICATION FOR CONSENT TO SEVER LAND
and VALIDATION OF TITLE
UNDER SECTION 53 & 57 OF THE PLANNING ACT**

Please see additional information regarding how to submit an application, requirements for the required sketch and general information in the Submission Requirements and Information.

1. APPLICANT INFORMATION

| | NAME | MAILING ADDRESS | |
|----------------------|-----------------------------|-----------------|-------------------|
| Purchaser* | | | Phone: E-mail: |
| Registered Owners(s) | Andre' and Helen Desrochers | | |
| Applicant(s)** | | | |
| Agent or Solicitor | Mike Desrochers | | |

*Purchaser must provide a copy of the portion of the agreement of purchase and sale that authorizes the purchaser to make the application in respect of the land that is the subject of the application.

** Owner's authorisation required if the applicant is not the owner or purchaser.

1.2 All correspondence should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ Agent/Solicitor

1.3 Sign should be sent to ☐ Purchaser ☐ Owner
☐ Applicant ☒ Agent/Solicitor

1.4 Request for digital copy of sign ☒ Yes* ☐ No

If YES, provide email address where sign is to be sent

1.5 All correspondence may be sent by email ☒ Yes* ☐ No

If Yes, a valid email must be included for the registered owner(s) AND the Applicant/Agent (if applicable). Only one email address submitted will result in the voiding of this service. This request does not guarantee all correspondence will sent by email.

2. LOCATION OF SUBJECT LAND

2.1 Complete the applicable sections:

| | | | |
|---------------------------|---|------------|--|
| Municipal Address | 191 and 193 Mill St S Waterdown LOR-240 | | |
| Assessment Roll Number | 30331009500 | | |
| Former Municipality | Hamilton Wentworth | | |
| Lot | 29+35 | Concession | |
| Registered Plan Number | 62R18447 | Lot(s) | |
| Reference Plan Number (s) | | Part(s) | |

2.2 Are there any easements or restrictive covenants affecting the subject land?

☒ Yes ☐ No

If YES, describe the easement or covenant and its effect:

See drawings HLT 92265 LT111282 LT111271
WT2033 LT104820

3 PURPOSE OF THE APPLICATION

3.1 Type and purpose of proposed transaction: (check appropriate box)

- | | |
|--|--|
| <input checked="" type="checkbox"/> creation of a new lot(s) | <input type="checkbox"/> concurrent new lot(s) |
| <input type="checkbox"/> addition to a lot | <input type="checkbox"/> a lease |
| <input type="checkbox"/> an easement | <input type="checkbox"/> a correction of title |
| <input type="checkbox"/> validation of title (must also complete section 8) | <input type="checkbox"/> a charge |
| <input type="checkbox"/> cancellation (must also complete section 9) | |
| <input type="checkbox"/> creation of a new non-farm parcel (must also complete section 10) | |
- (i.e. a lot containing a surplus farm dwelling
resulting from a farm consolidation)

3.2 Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

Michael L Desrochers

3.3 If a lot addition, identify the lands to which the parcel will be added:

3.4 Certificate Request for Retained Lands: ☐ Yes*

* If yes, a statement from an Ontario solicitor in good standing that there is no land abutting the subject land that is owned by the owner of the subject land other than land that could be conveyed without contravening section 50 of the Act. (O. Reg. 786/21)

4 DESCRIPTION OF SUBJECT LAND AND SERVICING INFORMATION

4.1 Description of subject land:

All dimensions to be provided in metric (m, m² or ha), attach additional sheets as necessary.

| | Retained (remainder) | Parcel 1 | Parcel 2 | Parcel 3* | Parcel 4* |
|--|-------------------------|----------|----------|-----------|-----------|
| | | | | | |

| | | | | | |
|-------------------------------------|-------------------|-------------------------|-------|------|--|
| Identified on Sketch as: | 191 Mill Street S | 193 Mill St S | | | |
| Type of Transfer | N/A | | | | |
| Frontage | 176.77 | 176.77 | 17.25 | 7.39 | |
| Depth | 54.77 | 29.30 | | | |
| Area | | | | | |
| Existing Use | Residential | Residential | | | |
| Proposed Use | Approx 2H7 | approx 2H7 | | | |
| Existing Buildings/ Structures | See Drawing | See Drawing | | | |
| Proposed Buildings/ Structures | 1 house | 1 outbuilding 1 house 2 | | | |
| Buildings/ Structures to be Removed | 1 house | 1 house | | | |

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- ☐ provincial highway
☐ municipal road, seasonally maintained
☒ municipal road, maintained all year

- ☐ right of way
☐ other public road

b) Type of water supply proposed: (check appropriate box)

- ☒ publicly owned and operated piped water system
☐ privately owned and operated individual well

- ☐ lake or other water body
☐ other means (specify)

c) Type of sewage disposal proposed: (check appropriate box)

- ☒ publicly owned and operated sanitary sewage system
☒ privately owned and operated individual septic system
☐ other means (specify)

4.3 Other Services: (check if the service is available)

- ☒ electricity
 ☒ telephone
 ☒ school bussing
 ☒ garbage collection

5 CURRENT LAND USE

5.1 What is the existing official plan designation of the subject land?

Rural Hamilton Official Plan designation (if applicable): _____

Rural Settlement Area: _____

Urban Hamilton Official Plan designation (if applicable) Open Space

Please provide an explanation of how the application conforms with a City of Hamilton Official Plan.

Planning has already approved with conditions

5.2 Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval?

☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.3 What is the existing zoning of the subject land? O1

If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?

5.4 Is the subject land the subject of any other application for a Minister's zoning order, zoning by-law amendment, minor variance, consent or approval of a plan of subdivision?

☐ Yes ☒ No ☐ Unknown

If YES, and known, provide the appropriate file number and status of the application.

5.5 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.

| Use or Feature | On the Subject Land | Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance) |
|--|--------------------------|---|
| An agricultural operation, including livestock facility or stockyard * Submit Minimum Distance Separation Formulae (MDS) if applicable | <input type="checkbox"/> | |
| A land fill | <input type="checkbox"/> | |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | |
| A provincially significant wetland | <input type="checkbox"/> | |
| A provincially significant wetland within 120 metres | <input type="checkbox"/> | |
| A flood plain | <input type="checkbox"/> | |
| An industrial or commercial use, and specify the use(s) | <input type="checkbox"/> | |
| An active railway line | <input type="checkbox"/> | ✓ 200 |
| A municipal or federal airport | <input type="checkbox"/> | |

6 HISTORY OF THE SUBJECT LAND

- 6.1 Has the subject land ever been the subject of an application for approval of a plan of subdivision or a consent under sections 51 or 53 of the *Planning Act*?
☐ Yes ☐ No ☒ Unknown

If YES, and known, provide the appropriate application file number and the decision made on the application.

- 6.2 If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

- 6.3 Has any land been severed or subdivided from the parcel originally acquired by the owner of the subject land?
☐ Yes ☒ No

If YES, and if known, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

- 6.4 How long has the applicant owned the subject land?

3 years

- 6.5 Does the applicant own any other land in the City? ☐ Yes ☐ No
If YES, describe the lands below or attach a separate page.

7 PROVINCIAL POLICY

- 7.1 Is this application consistent with the Policy Statements issued under Section 3 of the *Planning Act*?
☒ Yes ☐ No (Provide explanation)

- 7.2 Is this application consistent with the Provincial Policy Statement (PPS)?
☒ Yes ☐ No (Provide explanation)

- 7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?
☒ Yes ☐ No (Provide explanation)

- 7.4 Are the subject lands subject to the Niagara Escarpment Plan?
☒ Yes ☐ No (Provide explanation)

NEC has approved

7.5 Are the subject lands subject to the Parkway Belt West Plan?

☐ Yes ☒ No (Provide explanation)

7.6 Are the subject lands subject to the Greenbelt Plan?

☐ Yes ☒ No (Provide explanation)

7.7 Are the subject lands within an area of land designated under any other provincial plan or plans?

☐ Yes ☒ No (Provide explanation)

8 ADDITIONAL INFORMATION - VALIDATION

8.1 Did the previous owner retain any interest in the subject land?

☐ Yes ☒ No (Provide explanation)

NA

8.2 Does the current owner have any interest in any abutting land?

☐ Yes ☐ No (Provide explanation and details on plan)

8.3 Why do you consider your title may require validation? (attach additional sheets as necessary)

9 ADDITIONAL INFORMATION - CANCELLATION

9.1 Did the previous owner retain any interest in the subject land?

☐ Yes ☐ No (Provide explanation)

NA

9.2 Does the current owner have any interest in any abutting land?

☐ Yes ☐ No (Provide explanation and details on plan)

9.3 Why do you require cancellation of a previous consent? (attach additional sheets as necessary)

10 ADDITIONAL INFORMATION - FARM CONSOLIDATION

10.1 Purpose of the Application (Farm Consolidation)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate if the consolidation is for:

- ☐ Surplus Farm Dwelling Severance from an Abutting Farm Consolidation
- ☐ Surplus Farm Dwelling Severance from a Non-Abutting Farm Consolidation

10.2 Location of farm consolidation property:

| | | | |
|---------------------------|--|------------|--|
| Municipal Address | | | |
| Assessment Roll Number | | | |
| Former Municipality | | | |
| Lot | | Concession | |
| Registered Plan Number | | Lot(s) | |
| Reference Plan Number (s) | | Part(s) | |

10.3 Rural Hamilton Official Plan Designation(s)

If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm consolidation property.

10.4 Description of farm consolidation property:

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

Existing Land Use(s): _____ Proposed Land Use(s): _____

10.5 Description of abutting consolidated farm (excluding lands intended to be severed for the surplus dwelling)

| | |
|---------------|------------------------------|
| Frontage (m): | Area (m ² or ha): |
|---------------|------------------------------|

10.6 Existing Land Use: _____ Proposed Land Use: _____

10.7 Description of surplus dwelling lands proposed to be severed:

| | |
|----------------------------------|---|
| Frontage (m): (from Section 4.1) | Area (m ² or ha): (from Section 4.1) |
|----------------------------------|---|

Front yard set back: _____

a) Date of construction:

☐ Prior to December 16, 2004

☐ After December 16, 2004

b) Condition:

☐ Habitable

☐ Non-Habitable

11 COMPLETE APPLICATION REQUIREMENTS

11.1 All Applications

- ☐ Application Fee
- ☐ Site Sketch
- ☐ Complete Application Form
- ☐ Signatures Sheet

~~11.2~~ Validation of Title

- NA
- ☐ All information documents in Section 11.1
 - ☐ Detailed history of why a Validation of Title is required
 - ☐ All supporting materials indicating the contravention of the Planning Act, including PIN documents and other items deemed necessary.

~~11.3~~ Cancellation

- NA
- ☐ All information documents in Section 11.1
 - ☐ Detailed history of when the previous consent took place.
 - ☐ All supporting materials indicating the cancellation subject lands and any neighbouring lands owned in the same name, including PIN documents and other items deemed necessary.

11.4 Other Information Deemed Necessary

- ☐ Cover Letter/Planning Justification Report
- ☐ Minimum Distance Separation Formulae (data sheet available upon request)
- ☐ Hydrogeological Assessment
- ☐ Septic Assessment
- ☒ Archeological Assessment
- ☐ Noise Study
- ☐ Parking Study

Cultural Heritage Impact Study