

Special Conditions for Draft Plan of Subdivision Approval for 25T- 202201

That this approval apply to the red line revised Draft Plan of Subdivision “Binbrook Meadows” 25T-202201, certified by R. Mayo, O.L.S., dated May 11, 2023, consisting of three blocks for up to 146 multiple dwelling units (Blocks 1, 2 and 3), 14 blocks for 388 street townhouse dwellings (Blocks 4, 5, 6, 9, 10, 12, 13, 19, 20, 21, 22, 26, 30 and 32), nine blocks for 196 single detached dwellings (Blocks 16, 17, 18, 23, 24, 25, 27, 28 and 29), one block for 42 semi detached dwellings (Block 31), one block for parkland (Block 8), two blocks for a drainage channel (Blocks 7 and 11), two blocks for a walkway (Blocks 14 and 15), one block for a stormwater management pond (Block 33), two blocks for a right-of-way dedication (Blocks 34 and 35), and 16 public roadways (Streets “A” to “K”) including extensions to existing roads (Gowland Drive, Whitwell Way, McAllister Drive, McKee Drive, and Windwood Drive) be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the Owner agrees to transfer, within 30 days of the City’s request, a sanitary sewer easement over the proposed Windwood Drive in favour of the City extending from the west limit to the east limit of the draft plan lands to allow for the sanitary servicing of 3105 Fletcher Road subdivision (25T-201405), to the satisfaction of the Director, Growth Management & Chief Development Engineer.
2. That, **prior to registration of the plan of subdivision**, the Owner agrees that Blocks 4, 10, 14, 19, 21 and 32 will remain undevelopable until a parking plan is provided that demonstrates the ratio of 40% on-street parking can be achieved, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
3. That, **prior to registration of the plan of subdivision**, the Owner shall agree to include in all agreements of purchase and sale and/or lease of residential units, the following warning clauses:
 - i. “On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for each single detached dwelling is provided and intended for the purposes of parking one vehicle. The size of the driveway is further restricted to a maximum width of 3.0m and curb cuts for double car garages will not be granted by the City of Hamilton. It is the homeowner’s responsibility to ensure that their parking need can be accommodated.”

- ii. "Purchasers of lots and blocks abutting the drainage channel are advised that their lot/block may include a retaining wall which will be the purchaser's responsibility to maintain the retaining wall in perpetuity."
4. That, **prior to registration of the plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Services to convey an adequately sized Stormwater Management Facility (Block 33), in accordance with an approved stormwater management design, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
5. That, **prior to registration of the plan of subdivision**, the Owner agrees that there is a suitable sanitary outlet with sufficient capacity available including, but not limited to, improvements to the existing sanitary sewer trunk and upgrades to the existing Binbrook Sanitary Sewer Pumping Station to service the increased flows from the proposed development, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
6. That, **prior to servicing**, the Owner shall include in the engineering design cost schedules the removal of the turning circle at the existing west terminus of Whitwell Way, at the east limit of the subject lands, including restoration of the boulevards and extension of the existing sidewalk and roadway, at 100% the Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
7. That, **prior to servicing**, the Owner shall include in the engineering design cost schedules the removal of the turning circle at the existing west terminus of Gowland Drive, at the east limit of the subject lands, including restoration of the boulevards and extension of the existing sidewalk and roadway, at 100% the Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
8. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimates provision for the construction of a 1.5m high black vinyl coated heavy duty chain-link fence in the following locations:
 - i. Along the west and south limit of Block 7 from Binbrook Road to Street A;
 - ii. Along the east and north limit of Block 7 from Binbrook Road southerly to street A;
 - iii. Along the west limit of Block 8;
 - iv. Along the west limit of Block 9;
 - v. Along the east and north limits of Block 11 from Street A to the east limit of McKee Drive;
 - vi. Along the west and south limits of Block 11 from Street A to the east limit of McKee Drive;

- vii. Along the north and south limit of Block 14;
- viii. Along the north and south limit of Block 15;
- ix. Along the east limit of Block 28;
- x. Along the south limit of Block 31; and,
- xi. Along the perimeter of the Stormwater Management Facility (Block 33), excluding where Block 33 abuts Windwood Drive and Street K;

all to the satisfaction of the Director, Growth Management & Chief Development Engineer

9. That, **prior to servicing**, the Owner shall indicate all driveway locations on the engineering drawings for all lots and further that the driveways be established outside of the daylight triangles, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That **prior to servicing**, the Owner prepared and submits a driveway location/on street parking plan showing:
- i. The location of driveways based on achieving on-street parking for 40% of the total dwelling units;
 - ii. The driveways ramps and curb openings for all lots;
 - iii. The pairing of driveways;
 - iv. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
 - v. The location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
 - vi. Parking on one side of the street only;

all to the satisfaction of the Director, Growth Management & Chief Development Engineer

11. That, **prior to preliminary grading**, the Owner, through a soil consultant or other qualified consultant, shall: develop a Monitoring and Contingency plan that outlines the protocol for action in case impacts to private wells arise during construction, 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 commencement of construction; monitor these wells during construction and continue monitoring and checking the wells after completion. The contingency plan should include identification and monitoring of potential impacts, triggers, City notification protocol, timelines for investigation, and mitigation plans in case impacts arise, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

12. That, **prior to servicing**, the Owner provides a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor/agent contact information so that the City can direct works be completed as necessary, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

13. That, **prior to servicing**, the Owner shall submit a revised Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, provide recommendations to mitigate the groundwater impacts during any construction within the subdivision including, but not limited to, house construction, addressing the impacts of the pond bottom elevation below the groundwater table, and to undertake any mitigative works, as recommended, including monitoring. The report shall include a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof:
 - i. An aquifer is breached during construction;
 - ii. Groundwater is encountered during any construction within the subdivision including but not limited to house construction;
 - iii. The basements are being proposed below the groundwater level; and,
 - iv. Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted;

all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

14. That, **prior to preliminary grading**, the owner shall update the Binbrook Master Drainage study to address the following items:
 - i. Verify and update pre and post development drainage area plans for the existing SWM facility in Summerlea West (25T-200605) development (Pond 1A) and future SWM facilities in Caterini (25T- 200610) and 3105 Fletcher Road subdivision (25T-201405) including SWM facility (Pond 1B) for the subject developments;
 - ii. Develop a calibrated Hydrologic and Hydraulic model in consideration with the Meteorologic and Fluvial Geomorphologic data downstream;
 - iii. Demonstrate erosion flow exceedance and pre-development peak flow targets for the SWM facilities in Caterini (25T-200610) and 3105 Fletcher Road (25T-201405) developments including SWM facility (Pond 1B) for the subject developments, and update pond rating curve for the existing

- SWM facility 1A in Summerlea West (25T- 200605) development, based on a geomorphologic and hydraulic assessment of downstream creeks from Binbrook Road to Kirk Road West;
- iv. Confirm negative impacts and its mitigation measures downstream for the proposed developments from the proposed SWM facility outlet to 100m south of Kirk Road;

all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

15. That, **prior to preliminary grading**, the Owner shall submit a detailed Stormwater Management Report prepared by a professional engineer, all to the satisfaction of the Director, Growth Management & Chief Development Engineer:
 - i. To demonstrate how stormwater quality, quantity including erosion controls for the subject development will be handled through the proposed SWM facility (Pond 1B) and existing SWM facility in Summerlea West (25T-200605) development (Pond 1A) in accordance with the updated Binbrook Master Drainage Plan per condition #14, City of Hamilton Drainage policy, City of Hamilton Comprehensive Development Guideline (current) and the MECP Stormwater Management Planning and Design Manual (2003);
 - ii. To verify that the proposed SWM facility, Block 33, shall be of sufficient size and shape/geometry to adequately accommodate an ultimate facility, including maintenance access road and decanting areas as per City's current standards. Until such time as the shape and size are confirmed, the adjacent Block 32, the east section of lots fronting on Street K within Block 31 shall be considered as undevelopable;
 - iii. To demonstrate that Stormwater Management Facility design shall not create any standing water within upstream storm sewers during minor and major system events;
 - iv. To demonstrate that the proposed pond shall be of sufficient storage volume to accommodate water quality, erosion and flood control volumes from the drainage area to the northeast of the proposed channel considering hydraulic head on the pipe and flow splitter manhole at the intersection of McKee Dr and Street F; and,
 - v. To include within the engineering design drawings and cost estimate schedules, a landscape design of the Stormwater Management Facilities as per City of Hamilton Landscape Design Guidelines for stormwater management facilities (May 2009). The pond design geometry shall be as per City of Hamilton Comprehensive Development Guidelines;

All to the satisfaction of the Director, Growth Management & Chief Development Engineer.

16. That, **prior to registration of the final plan of subdivision**, the Owner agrees to secure their proportional share for the ongoing operation and maintenance of the stormwater management pond located downstream in the Summerlea West Phase 4 development (25T-200605) throughout all phases of the development or until such time as the stormwater management pond is assumed by the City of Hamilton, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
17. That, **prior to preliminary grading**, the Owner agrees to monitor drainage across the lands from the proposed SWM facility outlet within the subject lands to a distance of approximately 100m south of Kirk Road to ensure that the existing drainage conditions are not negatively impacted by the development. The monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after all lot/blocks are fully developed. In the event, that a problem arises, the Owner further agrees to take the necessary remedial action as per the monitoring report at their cost. The security for the SWM pond shall not be reduced below \$100,000 until it has been demonstrated, at the conclusion of the 2-year monitoring period, that there are no negative impacts that result from the development, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
18. That **prior to assumption**, the Owner agrees to the satisfaction of the Director, Growth Management & Chief Development Engineer:
 - i. To submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Director, Growth Management & Chief Development Engineer, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
 - ii. To keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pregrading and construction activities, in accordance with the operation manual;
 - iii. To construct, operate, and maintain at the Owner's expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of the Environment, Conservation and Parks' approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director, Growth Management & Chief Development Engineer; and,
 - iv. To remove sediment from the stormwater management facility attributed to development, carry out a survey and verify volumetric capacity of the

stormwater management facility, prior to release of the Owner's operation and maintenance responsibilities for the stormwater management facility.

19. That, **prior to servicing**, the Owner prepares a revised geotechnical report and implements the report's recommendations, to address any previous City comments and to confirm the design of the proposed liner within the Stormwater Management Pond and drainage channel, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
20. That, **prior to preliminary grading**, the Owner agrees that Blocks 32 and the east section of lots fronting on Street K within Block 31 shall be undevelopable until the size and shape of the Stormwater Management Pond (Block 33) is confirmed in accordance with the final design, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
21. That, **prior to preliminary grading**, the Owner agrees that the eastern limit of Street K may be shifted westerly to accommodate the approved size of the Stormwater Management Pond (Block 33) which will necessitate an amendment to the draft plan, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
22. That, **prior to registration of the plan of subdivision**, the Owner agrees to urbanize Binbrook Road from the existing urbanized limit located approximately 100m west of Royal Winter Drive to Fletcher Road including, but not limited to bike lanes, sidewalks, street lighting, etc., to the satisfaction of the Director, Growth Management & Chief Development Engineer.
23. That, **prior to the registration of the plan of subdivision**, the Owner agrees to provide an updated Functional Servicing Report a minimum of 90 days prior to the first submission of the detailed engineering design, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
24. That, **prior to grading**, the Owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, and/or any structures will be at the sole cost to the Owner to the satisfaction of the Director, Growth Management & Chief Development Engineer.
25. That, **prior to servicing**, the Owner be required to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., including any utilities located on Binbrook Road, entirely at the Owner's expense to the satisfaction of the Director, Growth Management & Chief Development Engineer.
26. That, **prior to the registration of the plan of subdivision**, the Owner agrees that Block 1, Block 4, Block 10, Block 14 and Block 19 will remain undevelopable

until such time that the channel design confirms an adequate depth to accommodate the storm sewer on Binbrook Road, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

27. That, **prior to the registration of the plan of subdivision**, the Owner agrees that Block 1, Block 2 and Block 3 cannot proceed until such time that the storm sewer on Binbrook Road has been installed and operational in accordance with the approved design, including on-site Low Impact Development (LIDS) techniques, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
28. That, **prior to the registration of the plan of subdivision**, the Owner agrees that Block 21 will remain undevelopable until such time that the design of the flow splitter manhole (MH151) at the intersection of McKee Drive and Street F can demonstrate that minimum cover can be provided between the bottom of the drainage channel and the top of the flow diversion storm sewer traversing the drainage channel, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
29. That, **prior to preliminary grading**, the Owner agrees that the western limit of Gowland Drive may be shifted easterly to accommodate the approved size of the Drainage Channel (Block 7), to the satisfaction of the Director, Growth Management & Chief Development Engineer.
30. That, **prior to preliminary grading**, the Owner agrees that grading shall not commence until the storm sewer on Binbrook Road and the proposed drainage channel from Binbrook Road to the existing channel located in the Summerlea West (25T-200605) development is designed and approved to the satisfaction of the Ministry of the Environment, Conservation, Parks (MECP), the Niagara Peninsula Conservation Authority (NPCA) and the Director, Growth Management & Chief Development Engineer.
31. That, **prior to the registration of the plan of subdivision**, the Owner agrees to include in the engineering design and cost estimate schedules smooth transitions of the proposed right-of-ways for Gowland Drive, Whitwell Way and McAllistar Drive between the existing 18m wide cross-section in Summerlea West (25T-200605) to the proposed 20m wide cross-section within the draft plan lands, including any required removals / restoration within the existing right-of-ways, at entirely the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
32. That, **prior to servicing**, the Owner agrees to provide a comprehensive design for the proposed footbridge, include railing and walkway, in accordance with the Terms of Reference to be approved by the City. The design shall be completed

by a Structural Engineer. The Owner further agrees that the design will be peer reviewed, entirely at the Owner's expense, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

33. That, **prior to preliminary grading**, the Owner agrees to include in the engineering design and cost estimate schedules the construction of an open channel including an open bottom bridge or similar structure across Street A between Block 7 and Block 11, from bank to bank, to convey the external flow, including:
- i. An erosion protection measure shall be provided at the bottom and outer bends of the channel;
 - ii. The channel design shall have an adequate depth at the existing culvert on Binbrook Road to accommodate a storm sewer outfall for Binbrook Rd. The channel design shall be coordinated with the Owners of the 3547 Binbrook Rd, Caterini (25T-200610) and 3105 Fletcher Road (25T-201405) developments;
 - iii. A minimum 4m setback from common property line with any private (lot or block) or public right-of-way to the top of bank at the commencement of the channel grading works;
 - iv. Minimum 0.3m of freeboard between the maximum water level in the channel to the top of bank;
 - v. The channel shall include appropriate design flows in accordance with the City and Niagara Peninsula Conservation Authority standards; and,
 - vi. A landscape design of the drainage channel as per City of Hamilton Guidelines;

all at the Owner's expense, to the satisfaction of the Director, Growth Management & Chief Development Engineer and the Niagara Peninsula Conservation Authority (NPCA).

34. That, **prior to servicing**, the Owner include in the engineering design and cost estimates provision for the installation of a turning circle, minimum asphalt radius $R=13.0$, minimum outside radius $R=18.0\text{m}$, on the west limit of Gowland Drive and the east limit of Street K, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
35. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provision for installation of 13.0m pavement radii along the inside curb line and 15m radii along the outside curb line at all 90-degree bends within the draft plan lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

36. That, **prior to preliminary grading**, the Owner agrees to provide a minimum 12m wide connection to Windwood Drive along the east limit of the Stormwater Management Pond (Block 33), to the satisfaction of the Director, Growth Management & Chief Development Engineer.
37. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules the installation of a minimum of 3m wide multi-use path within Block 14 and Block 15, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
38. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules a 1.8m wide concrete sidewalk along both sides of Streets B, C, D, E, F, G, H, I, J, K, L, Gowland Drive, Whitwell Way, McAllistar Drive and McKee Drive, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.
39. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules a 2.0m wide concrete sidewalk along both sides of:
- i. Street A;
 - ii. Windwood Drive; and
 - iii. South side of Binbrook Road;

All to the satisfaction of the Director, Growth Management & Chief Development Engineer.

40. That, **prior to preliminary grading**, the Owner agrees to provide a phasing plan detailing the staging of construction including the timing for the construction of the drainage channel and stormwater management facility, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
41. That, **prior to preliminary grading**, the Owner agrees that if phasing is proposed and approved by the City, the entire length of the proposed drainage channel (Block 7 and Block 11) and Windwood Drive must be constructed as part of Phase 1, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
42. That, **prior to servicing**, the owner shall agree that a maximum of 100 residential units of the final plan of subdivision 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 one hundred (100) residential units, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

43. That, **prior to preliminary grading**, the Owner shall demonstrate that the subject development has riparian rights to drain onto private lands downstream. The Owner shall notify the downstream landowner(s) whose properties are traversed by the watercourse from the SWM facility outlet to 100m south of Kirk Road, of a proposed SWM facility outfall, and impending pond construction, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
44. That, **prior to registration of the final plan of subdivision**, the Owner acknowledges that on-site stormwater management will be required for each of Blocks 1, 2 and 3 in accordance with the Functional Servicing Report, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
45. That, **prior to preliminary grading**, the Owner agrees that the ultimate approved grading plan matches the final approved elevations for the abutting subdivision to the west (25T-201405) and east (25T-200605) of the subject lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
46. That, **prior to preliminary grading**, in the event that phasing occurs, the Owner agrees to provide an interim grading plan to demonstrate how the proposed development can proceed prior to the ultimate grading conditions in the abutting subdivision (25T-201405) being implemented, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
47. That, **prior to preliminary grading**, the Owner agrees to provide an Excess Soil Management Plan to demonstrate how the development will comply with O.Reg. 406/19, addressing registration, assessment, sampling and analysis, characterization, source/destination reporting and tracking requirements, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
48. That, **prior to preliminary grading**, in the event that phasing occurs and phasing necessitates the requirement of temporary turning circles in accordance with City Guidelines, the Owner agrees to include in the engineering design and cost estimate schedules the construction and future removal of temporary turning circles to permanent City standards. The Owner further agrees that all lots impacted by the construction of the temporary turning circles shall remain undevelopable until such time as the temporary turning circles are no longer deemed necessary by the City. The final M-Plan shall show the blocks required to be dedicated to the City for the temporary turning circle. Upon the extension of subject right-of-ways, the blocks no longer deemed necessary for the temporary turning circles shall be closed by By-Law and the lands returned to the original Owner, entirely at the Owner's expense, all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

49. That, **prior to registration of the plan of subdivision**, the Owner agrees that the proposed 400mm diameter watermain on Binbrook Road shall be constructed and operational, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
50. That, **prior to registration of the final plan of subdivision**, the Owner shall pay for the urbanization of Binbrook Road based on the City's "New Road Servicing Rate" in effect at the time of payment in accordance with the City's financial policies, for the entire frontages along Binbrook Road to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Development Planning:

51. That, **prior to registration of the plan of subdivision**, the Owner agrees to include the following warning clauses for Blocks 1, 2 and 3, in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Planning and Chief Planner:

Warning Clause "A":

"Purchasers / tenants are advised that sound levels due to the increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the City of Hamilton's and the Ministry of the Environment and Conservation and Parks."

Warning Clause "B":

"Purchasers / tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the City of Hamilton's and the Ministry of the Environment and Conservation and Parks."

Warning Clause "C":

"Purchasers / tenants are advised that the acoustical berm and/or barrier as installed, shall be maintained or repaired by the owner. Any maintenance, repair or replacement shall be with the same material or to the same standards, and having the same colour and appearance of the original."

Warning Clause "D":

"Purchasers / tenants are advised that this dwelling unit has been designed with the provision for adding central air conditioning at the occupants discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton and the Ministry of the Environment and Conservation and Parks."

Heritage and Urban Design:

52. That, **prior to grading and servicing**, the Owner submits a natural channel design to the satisfaction of the Director of Heritage and Urban Design.
53. That, **prior to grading and servicing**, the Owner shall submit a snow storage/salt management plan for the entire subdivision to the satisfaction of the Director of Heritage and Urban Design.
54. That, **prior to grading and servicing**, the Owner Stewardship signage is required to be installed to the satisfaction of the Director of Heritage and Urban Design.
55. That, **prior to grading and servicing**, the Owner shall prepare and implement an invasive species management plan with cost estimate to the satisfaction of the Director of Heritage and Urban Design. This Plan will be prepared by an ecologist and will focus on priority species of Reed Canary Grass.
56. That, **prior to grading and servicing**, the Owner shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of driplines, edges of existing plantings, location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Heritage and Urban Design.
57. That, **prior to registration of the plan of subdivision**, the Owner shall provide a Landscape Plan that has been prepared by a Landscape Architect showing the placement of trees on internal / external City property and shall be submitted to the satisfaction of the Director of Heritage and Urban Design.
58. That, **prior to grading or servicing**, The City of Hamilton will require a 5 year monitoring program to be submitted for review and approval of the Natural Channel Design and long term establishment of plantings. This shall include the plantings for the channel bottom and the VPZ of the channel. This Plan will be prepared by an ecologist. A Cost estimate is to be provided by the applicant and securities are required to be held based on this cost estimate to the satisfaction of the Director of Heritage and Urban Design.

59. That, **prior to grading or servicing**, the Owner shall provide a copy of the letter from the Ministry of Citizenship and Multiculturalism indicating that the Stage 1 – 2 and 3 archaeological assessments (PIF Nos. P389-0505-2020 and P389-0533-2021, P389-0534-2021, P389-0535-2021, P389-0536-2021 and P389-0537-2021) have been reviewed and that the Provincial interest, with respect to the archaeological assessment and any further archaeological investigation such as Stage 4 mitigation, has been addressed, to the satisfaction of the Director of Heritage and Urban Design.

Growth Planning:

60. That, **prior to registration of the plan of subdivision**, the Owner shall work with Growth Planning staff to finalize municipal addressing for the individual Lots and Blocks, to the satisfaction of the Director of Growth Management.

Transportation Planning:

61. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule for the provision of all required works within the intersection of Binbrook Road and Street 'A', including lighting, signage, and pavement markings and further that:
- a) A traffic control signal is required at the intersection. A detailed traffic signal design is required to be submitted by a qualified transportation consultant.
 - b) The design shall illustrate the ultimate cross-section of Binbrook Road and Street 'A' which includes provisions of:
 - i. An exclusive westbound left-turn lane with 50 metres of storage;
 - ii. An exclusive eastbound right-turn lane with 30 metres of storage; and,
 - iii. An exclusive northbound left-turn lane with 25 metre storage.
 - c) All costs associated with these works, including but not limited to design and construction, will be at the expense of the Owner; and,
 - d) All to the approval of the Manager, Transportation Planning and the Manager, Transportation Operations & Maintenance.
62. That, **prior to servicing**, the Owner shall include the provision of a traffic circle at the intersection of Street 'A' and Windwood Drive in the engineering design and cost estimate schedule to the satisfaction and approval of the Manager,

Transportation Planning and the Manager of Transportation Operations & Maintenance.

63. That, **prior to servicing**, the Owner shall provide a pavement markings and traffic sign plan, to the satisfaction of the Manager of Transportation Planning and the Manager of Transportation Operations.
64. That, **prior to servicing**, the Owner shall install 2.0 metre wide sidewalks on both sides of the municipal right-of-way along the continuation of Windwood Drive, Street 'A' and the south side of Binbrook Road to the satisfaction and approval of the Manager, Transportation Planning.
65. That, **prior to servicing**, the Owner shall install 1.8 metre wide sidewalks (minimum) on both sides of the municipal right-of-way along all designated local roads within the proposed Draft Plan of Subdivision to the satisfaction and approval of the Manager, Transportation Planning.
66. That, **prior to servicing**, the Owner provide a lump sum payment of \$20,000 for the provision of future traffic calming measures to the satisfaction of the Manager of Transportation Planning.
67. That, **prior to servicing**, the Applicant shall provide a Parking Plan, to the satisfaction of the Manager of Transportation Planning.
68. That **prior to servicing**, approximately 5.0 metres are to be dedicated to the right-of-way along Binbrook Road, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications, to the satisfaction of the Manager of Transportation Planning.
69. That **prior to servicing**, the Owner dedicate 12.19 metre x 12.19 metre Daylighting Triangles to the right-of-way at the intersection of Binbrook Road and Street 'A' as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7., to the satisfaction of the Manager of Transportation Planning.
70. That **prior to servicing**, the Owner dedicate 9.14 metre x 9.14 metre Daylighting Triangles to the right-of-way at all proposed roads that intersect with Windwood Drive and Street 'A' as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7., to the satisfaction of the Manager of Transportation Planning.

71. That **prior to servicing**, the Owner dedicate 4.57 metre x 4.57 metre Daylighting Triangles to the right-of-way at all proposed roads that are 'Local' to 'Local' road intersections as per the Council Approved Urban Official Plan: Chapter C – City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7., to the satisfaction of the Manager of Transportation Planning.

Niagara Peninsula Conservation Authority:

72. That, **prior to grading and servicing**, the Owner submits to the NPCA for review and approval, detailed grading, storm servicing, stormwater management, construction sediment control, and channel realignment (including revegetation and restoration) drawing all to the satisfaction of the Niagara Peninsula Conservation Authority.
73. That, **prior to grading and servicing**, erosion and sediment control and limit of work fencing shall be shown on the Grading Plan to the satisfaction of the NPCA and no alterations to the existing grades or vegetation occur beyond this point. Limit of work fencing, and sediment erosion controls shall be maintained for the duration of the development process and shall only be removed once work is completed, and all exposed soils are re-vegetated or otherwise stabilized.
74. That, **prior to grading and servicing**, the Owner obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse. In support of the Work Permit application, the following information will be required:
- a) A landscape plan demonstrating adequate riparian planting to ensure a naturalized watercourse corridor;
 - b) Detailed natural channel design plans; and,
 - c) Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
75. That, **prior to grading or servicing**, the Owner obtain Work Permits from the NPCA prior to removal of the existing wetlands on the subject lands and prior to construction of the proposed new wetland. In support of the Work Permit applications, the following will be required:
- a) A detailed compensation plan that indicates the design of the proposed wetland, construction methodology, material details, etc. (the Developer is to scope this requirement with NPCA staff prior to submitting a Work Permit application);

- b) A detailed monitoring plan; and,
- c) Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.

NOTES TO DRAFT PLAN APPROVAL

1. Pursuant to Section 51 (32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. An "Agreement for On-site Collection of Municipal Solid Waste" must be completed and executed in order to receive municipal waste collection for the residential dwellings on the private road. The developer is responsible for all waste removal up until the time that an "Agreement for On-site Collection of Municipal Solid Waste" is finalized, and municipal collection services are initiated.
3. The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms.
4. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.
5. If the development is not designed according to specifications identified herein, the developer must:
 - a) Arrange a private waste hauler for the removal of all waste materials; and,
 - b) As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection.