



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.:	HM/B-23:58	SUBJECT PROPERTY:	249-261 STONE CHURCH ROAD E, HAMILTON
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APPLICANTS: **Owner:** WELLINGSTONE CHRISTIAN HOME
Agent: T. JOHNS CONSULTING C/O DIANA MORRIS

PURPOSE & EFFECT: To create an easement for access purposes. To be reviewed in conjunction with HM/B-23:55.

	Frontage	Depth	Area
EASEMENT LANDS (Part 4):	N/A m [±]	0.76 m [±]	0.89 m ² [±]
EASEMENT LANDS (Part 5):	N/A m [±]	1.97 m [±]	5.44 m ² [±]
RETAINED LANDS:	34.48 m [±]	119.87 m [±]	1.11 ha [±]

Associated Planning Act File(s): HM/B-23:55

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 decided upon by the Consent Authority, the Director of Planning and Chief Planning, no earlier than:

Thursday, September 21, 2023

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

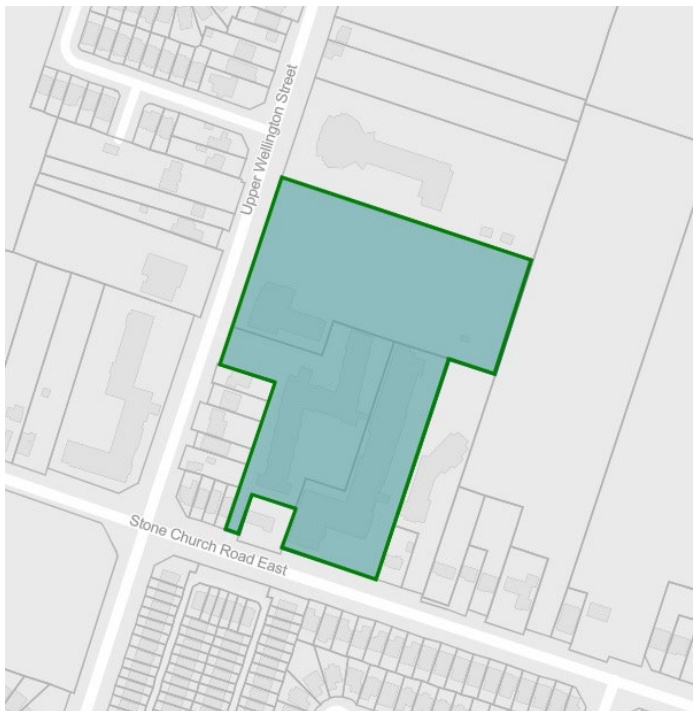
PUBLIC INPUT

Written: If you would like to submit written comments to the Consent Authority, you may do so via email or hardcopy. Written 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 will be available on [Click or tap to enter a date.](http://www.hamilton.ca/committeeofadjustment) on our website:
www.hamilton.ca/committeeofadjustment

Orally: Oral comments are not able to be submitted.



DATED: September 5, 2023

Jamila Sheffield,
Secretary-Treasurer
Committee of Adjustment

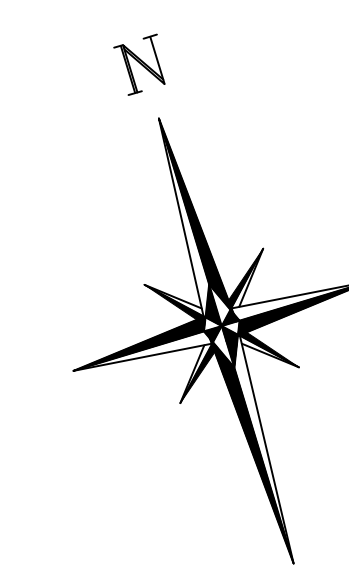
Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions,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

HM/B-23:58

If a person or public body that files an appeal of a Decision in respect of the proposed consent does not make written submissions before the Consent Authority gives or refuses to give a provisional consent, the Ontario Land Tribunal may dismiss the appeal.

If you wish to be notified of the Decision of Consent Authority in respect of the proposed consent, **you must make a written request** to the Secretary-Treasurer of The City of Hamilton Committee of Adjustment by email at cofa@hamilton.ca or by mail through City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5. A copy of the Decision will only be sent to those who request

PART SCHEDULE					
PART	LOT / BLOCK	PLAN / CON	P.I.N.	AREA (M ²)	
1	LOT 12	CONCESSION 7	16942-0804	2347.31	
2				833.71	
3				5.08	
4				16942-0598	0.89
5				16942-0598	5.44



PLAN OF SURVEY
OF PART OF
LOT 12
CONCESSION 7
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON

SCALE 1:500
0 2 4 6 8 10 20 30 METRES

MTE OLS LTD.
ONTARIO LAND SURVEYORS

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

PINS ARE (LT) UNLESS NOTED.

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LEGEND:

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IBR DENOTES ROUND IRON BAR
- CP DENOTES CONCRETE PIN
- (B24) DENOTES A. T. MCLAREN, O.L.S.
- MTE DENOTES MTE OLS LTD.
- P1 DENOTES PLAN 62R-13923
- P2 DENOTES PLAN 62R-9008

NOTES:

BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS '97) EPOCH 2010.00.

DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999569425.

ALL COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS '97) EPOCH 2010.00.

POINT ID	NORTHING	EASTING
ORP A	4784737.97	591085.52
ORP B	4784715.17	591158.13

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

FOR BEARING COMPARISON, ROTATIONS HAVE BEEN APPLIED TO THE FOLLOWING PLANS TO CONVERT THEM TO GRID BEARINGS

PLAN ID	ROTATION AMOUNT	DIRECTION
62R-13923 (P1)	1°02'25"	COUNTER-CLOCKWISE
62R-9008 (P2)	1°02'25"	COUNTER-CLOCKWISE

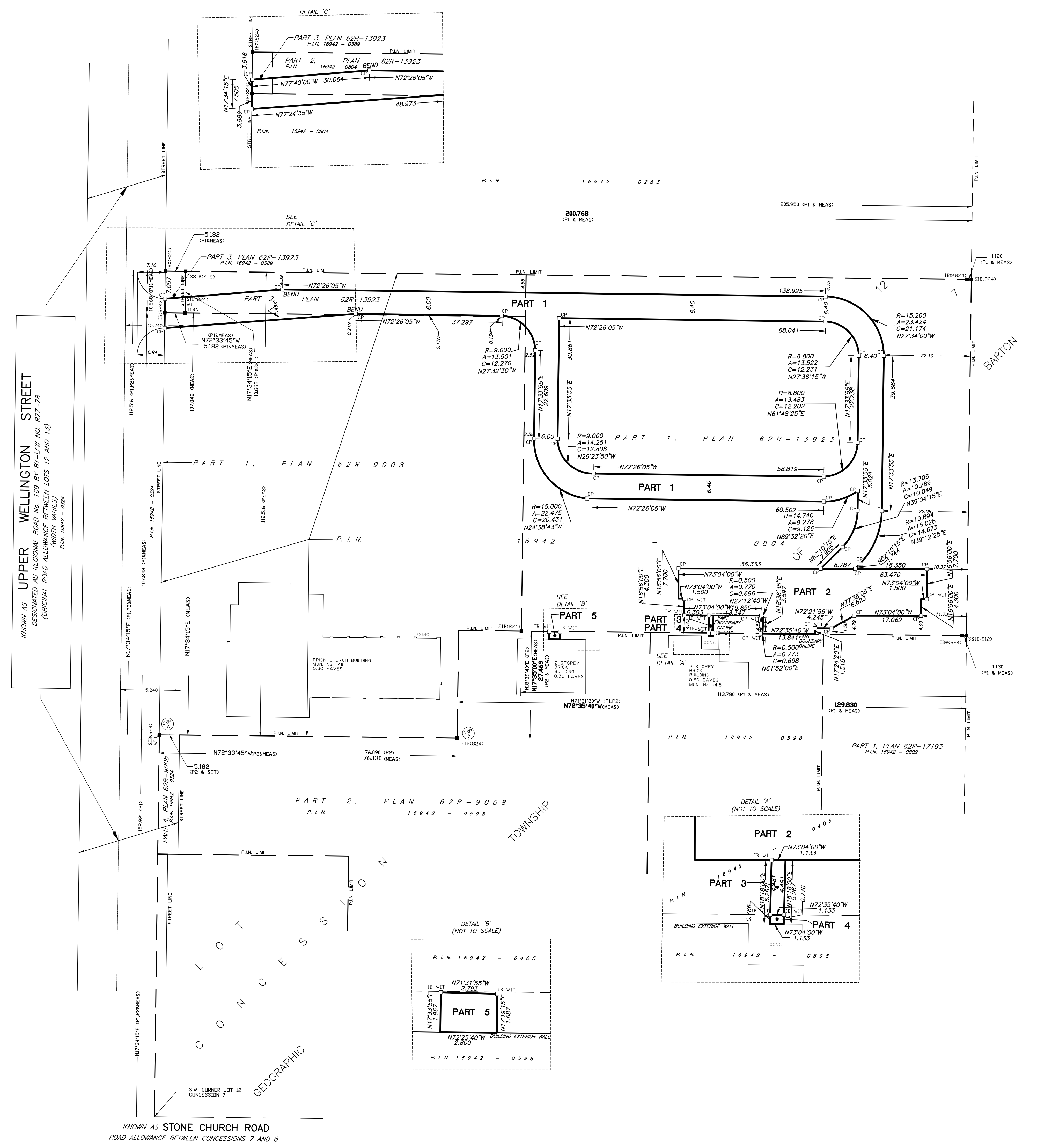
SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 16th DAY OF NOVEMBER, 2022.

NOVEMBER 16th, 2022

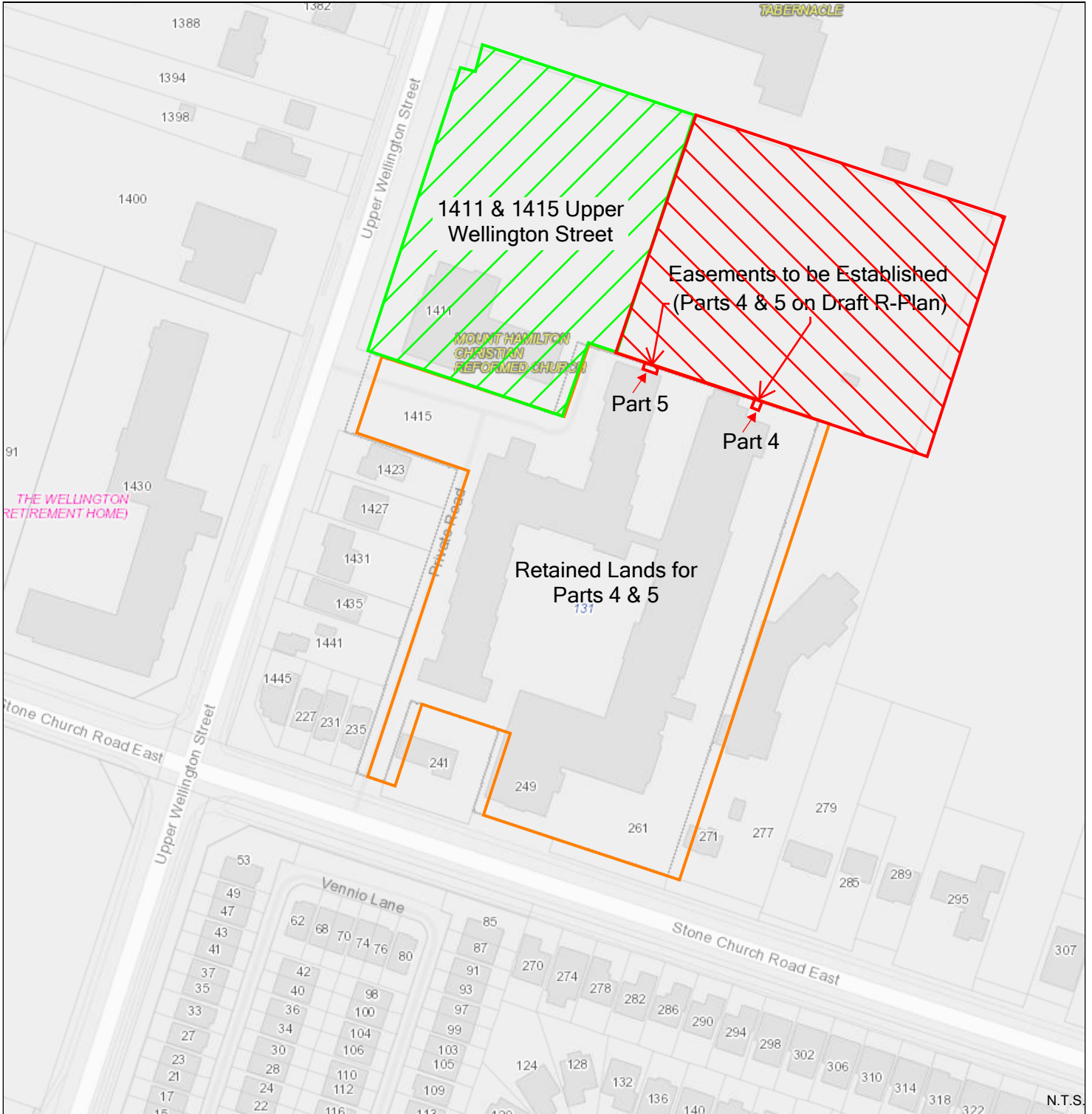
MOE TAVALLAEE
ONTARIO LAND SURVEYOR



Plan: 2022-05-05 10:05:00 AM by: MTE OLS LTD. (MTE OLS LTD. 2022-05-05 10:05:00 AM) on: 2022-05-05 10:05:00 AM by: MTE OLS LTD. (MTE OLS LTD. 2022-05-05 10:05:00 AM)

Consent to Sever Application 261 & 249 Stone Church Road East, Hamilton

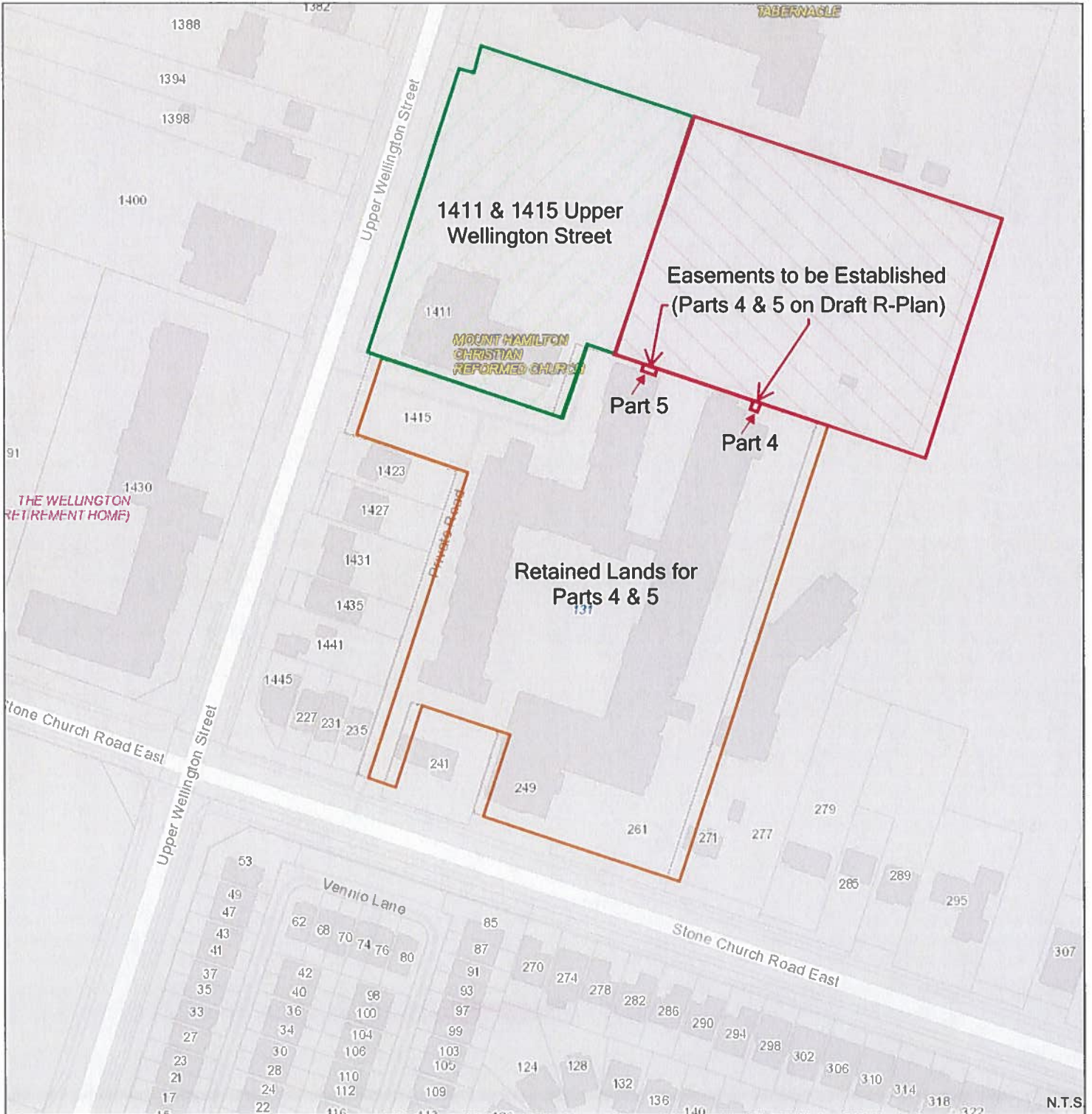
Sketch showing retained lands and easements to be established between 261 and 249 Stone Church Road East (Retained Lands) and 1411 & 1415 Upper Wellington Street

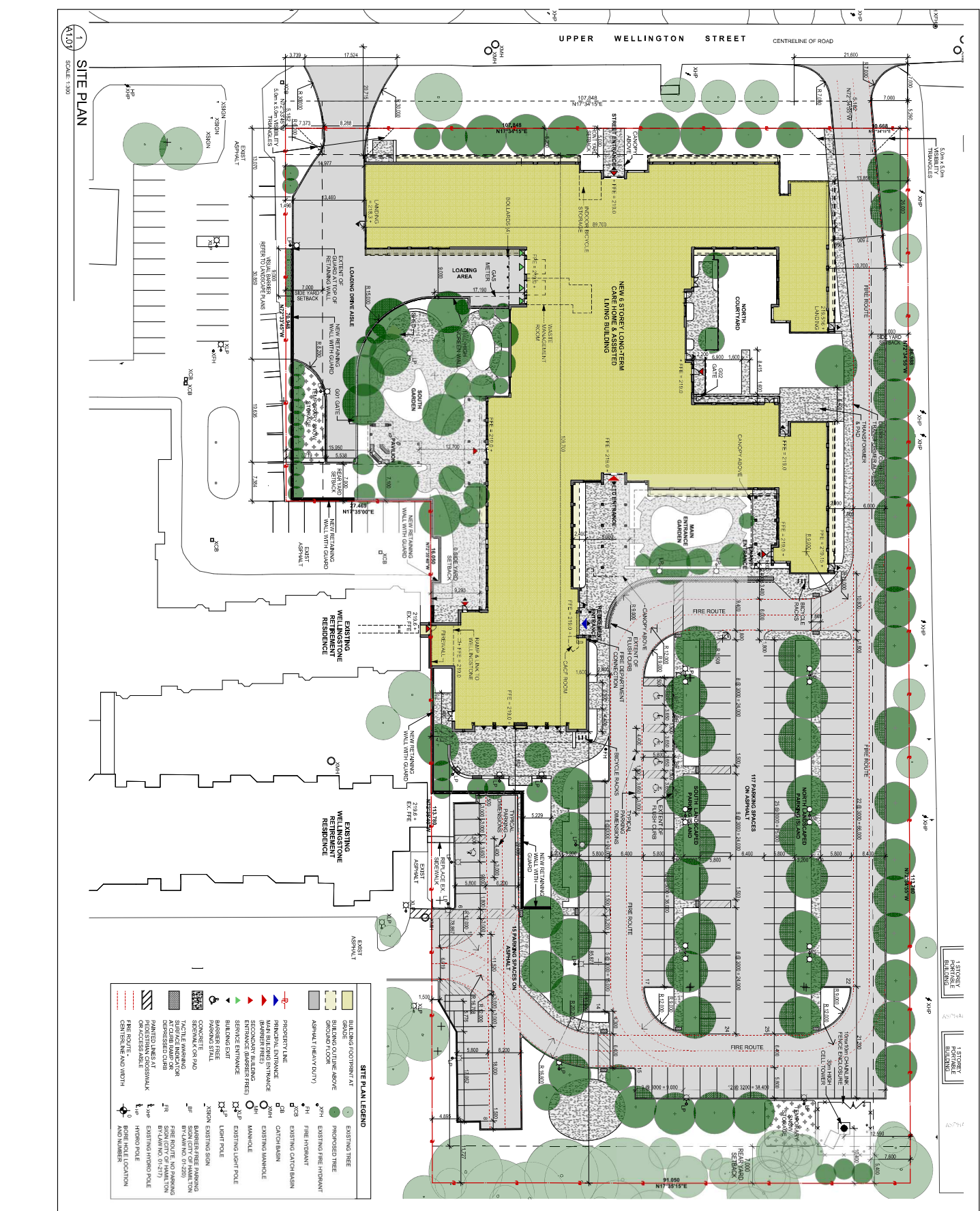


Consent to Sever Application

261 & 249 Stone Church Road East, Hamilton

Sketch showing retained lands and easements to be established between 261 and 249 Stone Church Road East (Retained Lands) and 1411 & 1415 Upper Wellington Street





1 SITE PLAN
SCALE: 1:300
A1.01

- ### SITE PLAN LEGEND
- BUILDING FOOTPRINT AT
 - BUILDING OUTLINE ABOVE
 - GROUND FLOOR
 - ASPHALT (HEAVY DUTY)
 - EXISTING TREE
 - PROPOSED TREE
 - EXISTING FIRE HYDRANT
 - FIRE HYDRANT
 - EXISTING CATCHBAIN
 - CATYON BIN
 - EXISTING MANHOLE
 - EXISTING LIGHT POLE
 - LIGHT POLE
 - EXISTING SIGN
 - BARRIER FREE PARKING SIGN (BY-LAW 61-2007)
 - FIRE ROUTE, NO PARKING SIGN (BY-LAW 61-2007)
 - EXISTING HYBRID POLE
 - HYBRID POLE
 - ROSE HOLE LOCATION AND NUMBER
 - PROPERTY LINE
 - PRINCIPAL ENTRANCE
 - SECONDARY ENTRANCE
 - SERVICE ENTRANCE
 - BARRIER FREE
 - BARRIER FREE STAIR
 - TACTILE WARNING STRIPWAY (ON PAD)
 - BARRIER FREE RAMPWAY
 - BARRIER FREE CURB CUT
 - PAINTED LINES AT CURBSIDE
 - FIRE ROUTE - CENTRELINE AND WIDTH

Revisions to drawing

NO.	DATE	BY

Prints Issued to

Particulars	No.	Date	By
ISSUED FOR CLASS D ESTIMATE	2	20/04/14	CB
ISSUED FOR PERMITS	3	21/02/14	CB
ISSUED FOR RECORDING	4	21/07/13	CB
CLASS B ESTIMATE	5	21/07/13	CB
CLASS C ESTIMATE	6	21/07/13	CB
CLASS D ESTIMATE	7	22/02/14	CB
CLASS E ESTIMATE	8	22/02/14	CB
CLASS F ESTIMATE	9	22/02/14	CB
CLASS G ESTIMATE	10	20/03/14	CB
CLASS H ESTIMATE	11	20/03/14	CB

MMMC ARCHITECTS

Registered Architects
1175 SHEPPARD AVENUE EAST
SUITE 200 TORONTO, ONTARIO M2K 1L7
TEL: (416) 461-2244
WWW.MMMCARCHITECTS.COM

Shalom

**SHALOM MANOR HAMILTON
CAMPUIS OF CARE
1411 AND 1415 UPPER WELINGTON STREET
Hamilton Ontario**

August 29, 2023

VIA Digital Submission

Committee of Adjustment
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5
Phone: 905-546-2424 Ext. 4221
Email: cofa@hamilton.ca

Attention: Jamila Sheffield, Secretary-Treasurer

Dear Ms. Sheffield,

**RE: 1411 and 1415 Upper Wellington Street & 249 and 261 Stone Church Road
East, Hamilton
Consent to Sever Application (Access Easements)**

T. Johns Consulting Group (TJCG) has been retained by Shalom Manor Long Term Care Home, the landowners of the above referenced lands to submit a Consent to Sever Application.

Planning Status

The subject lands obtained zoning approval on October 13, 2021 (By-law No, 21-175). The lands are zoned Major Institutional I3,745, H39 which permits a six-storey campus style retirement and long-term care community that offers three (3) options of retirement living and varying levels of care. The proposed development will include one-hundred and twenty-eight (128) long-term care beds, and one-hundred and thirty-two (132) assisted living retirement suites.

The subject lands obtained Conditional Site Plan Approval on May 19, 2022 (DA-22-040).

The Special Condition noted below was a condition of approval:

Prior to issuance of any building permits is to “establish easements to provide access between 1411 and 1415 Upper Wellington Street and the lands to the south known as 261 Stone Church Road and 249 Stone Church Road including driveways for both vehicular and pedestrian ingress and egress, to the satisfaction of the City’s Manager of Heritage and Urban Design.”

The Draft R-Plan shows the following vehicular/pedestrian access easements:

Part 1- vehicular/pedestrian access (drive aisle)

Part 2- parking spaces

Parts 3 and 4- walkway/path/encroachment

Part 5- internal connection/encroachment

T. Johns respectfully submits the materials noted below for consideration/approval.

Please find the enclosed:

- One (1) copy of the Application form for 1411&1415 Upper Wellington Street;
- One (1) copy of the Sketch for 1411&1415 Upper Wellington Street;
- One (1) copy of the Application form for 249&261 Stone Church Road East;
- One (1) copy of the Sketch for 249&261 Stone Church Road East;
- One (1) copy of the Draft R-Plan (Access Easements);
- One (1) copy of the Approved Site Plan (DA-22-040).

Note: The Municipal Service Centre is to call: Jonathan Zwier (Project Manager- Shalom) @ 905-945-9631 ext. 1154 for payment.

Should you have any questions or require additional information, please do not hesitate to contact Diana Morris at (905) 574-1993 ext. 202.

Respectfully Submitted,
T. JOHNS CONSULTING GROUP LTD.



Diana Morris, BA, MCIP, RPP
Senior Planner



**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*		
Registered Owners(s)	Wellington Christian Home	
Applicant(s)**	Same as above	
Agent or Solicitor	T. Johns Consulting Group Ltd. c/o Diana Morris	

*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 dmorris@tjohnsconsulting.com

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	261 and 249 Stone Church Road East, Hamilton		
Assessment Roll Number			
Former Municipality	Barton		
Lot	12	Concession	7
Registered Plan Number		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:

N/A

3 PURPOSE OF THE APPLICATION

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

- | | |
|---|--|
| <input 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 checked="" 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:

N/A

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

N/A

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:	Retained Lands	Part 4	Part 5		
Type of Transfer	N/A	N/A	N/A		
Frontage	34.48 m (100 ft)	N/A	N/A		
Depth	119.87m (393.27ft)	N/A	N/A		
Area	1.11 ha (2.74 ac)	0.89 m ²	5.44m ²		
Existing Use	Multiple Dwelling	Paved Area/ Vacant/Parking	Paved Area/ Vacant/Parking		
Proposed Use	N/A	Pedestrian pathway	Internal walkway/ connection		
Existing Buildings/ Structures	Multiple Dwelling	None	None		
Proposed Buildings/ Structures	Internal walkway/ connection	None	Internal walkway connection		
Buildings/ Structures to be Removed	None	None	None		

* Additional fees apply.

4.2 Subject Land Servicing

a) Type of access: (check appropriate box)

- | | |
|---|--|
| <input type="checkbox"/> provincial highway | <input type="checkbox"/> right of way |
| <input type="checkbox"/> municipal road, seasonally maintained | <input type="checkbox"/> other public road |
| <input checked="" type="checkbox"/> municipal road, maintained all year | _____ |

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> publicly owned and operated piped water system | <input type="checkbox"/> lake or other water body |
| <input type="checkbox"/> privately owned and operated individual well | <input type="checkbox"/> other means (specify) |
| | _____ |

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

- | |
|--|
| <input checked="" type="checkbox"/> publicly owned and operated sanitary sewage system |
| <input type="checkbox"/> privately owned and operated individual septic system |
| <input type="checkbox"/> other means (specify) _____ |

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

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> electricity | <input checked="" type="checkbox"/> telephone | <input checked="" type="checkbox"/> school bussing | <input checked="" type="checkbox"/> 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) _____

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

- 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? Multiple Dwelling (DE-3/S-1471) District

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

- 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.

Minor Variance: A-88:113; HM/A05:105

- 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"/>	
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?

Since 1986

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)

Conformity with Provincial Plans.

7.2 Is this application consistent with the Provincial Policy Statement (PPS)?

Yes No (Provide explanation)

Within established settlement area with existing infrastructure.

7.3 Does this application conform to the Growth Plan for the Greater Golden Horseshoe?

Yes No (Provide explanation)

Within Delineated Built-Up Area, mix of land uses, range and mix of employment and housing types, quality public spaces and access to local services.

7.4 Are the subject lands subject to the Niagara Escarpment Plan?

Yes No (Provide explanation)

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)

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)

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):
---------------	------------------------------

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

- 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

- 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
-
-