

September 3, 2024

City of Hamilton
Clerk's Department
71 Main Street West, 1st Floor
Hamilton, ON, L8P 4Y5

Att: Legislative Coordinator. Planning Committee

Re: Comments on Applications for Zoning By-Law Amendment and Draft Plan of Vacant Land Condominium GSP Group Inc. on Behalf of 1136663 Ontario Ltd. For Lands Located at 285 & 293 Fiddler's Green Road, Ancaster (Ward 12), File Nos. ZAC-16-006, 25CDM-202001

We are providing comments on the proposed rezoning and draft plan of condominium for the subject property at 285 & 293 Fiddler's Green Road as outlined in the Notice of Public Meeting of the Planning Committee letter dated August 16, 2024. Our property is adjacent to a portion of the subject lands on the north east corner of 285 Fiddler's Green Road.

We have reviewed the staff report: Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 285 and 293 Fiddler's Green Road, Ancaster (PED24154) (Ward 12) and have the following concerns:

- 1) **Retaining Wall and Stormwater Swale** – The staff report does not sufficiently address the retaining wall and swale that is being constructed, both in the report and Appendix D *Special Conditions for Draft Plan of Condominium (Vacant Land) Approval for 25CDM-202001*.

We were advised by GSP Group Inc. the following, via an email from N. Friday April 30, 2024: "***There is a retaining wall shown around the site. As the back portion of the site slopes to the east, City development engineering staff wanted the rear portion of the site raised such that the overland flow of storm water is towards Fiddler's Green Road.***" We were also provided with a Grading Plan (Urbex Engineering Limited, December 13, 2023), which shows a stormwater swale between the retaining wall and property.

The Report and Appendix D currently refers to the retaining wall as being part of the open area (Block 8). We respectfully request that the Appendix D be revised to more accurately describe the retaining wall and swale that is being constructed around the perimeter of the site and its purpose for stormwater management in the first paragraph, which currently states that the development consists of: "*six vacant land units (Vacant Land Units 1 to 6), a common element condominium road (Block 7), community mailbox, waste collection area, snow storage area, two visitor parking spaces, and one open area with a retaining wall (Block 8).*"

Although Appendix D includes some provisions for approval of the grading, servicing and drainage plans (Condition 9) and maintenance and replacement of structures cost responsibilities of the condominium corporation (Condition 10), we would like to see this be further reinforced to require that a statement be included in all offers of purchase and sale, and rental and lease agreements that advises the prospective purchasers of the responsibility of owners for ongoing maintenance, inspection and repair of the retaining wall and swale.

- 2) **Site Plan Control for Stormwater Management** - We understand that the proposed grade for the development is 250.60 metres, to be built up and supported by a retaining wall around the north, east and south sides of the property. This will make the property at an elevation higher than adjacent properties and will require at least 1 metre of fill for the entire property and as much as 2.2 metres of fill in the lowest part of the property in Block 8.

Stormwater management is a critical element of the proposed development as the number of dwellings and paved surfaces will significantly decrease the amount of green space and increase stormwater in the area, which currently relies on overland drainage and has no storm sewer system. Although the design directs the flow of stormwater to Fiddler's Green Road, we are still concerned about potential stormwater impacts on our property because the development involves alteration of a watercourse.

Given the required fill and potential stormwater implications of the proposed development on adjacent properties, we respectfully request that the proposed development be subject to a Site Plan Control Application instead of a review of the Site Servicing, Grading Plans, site access and Stormwater Management strategy at the Building Permit application stage to ensure that there is a detailed review process and oversight of the construction.

- 3) **Visual Barrier** – Staff have indicated in Appendix E that they are not in support of the modification: *“the retaining wall and fence combination within Block 8...may be located at the street line and may have a maximum height of 4.0 metres”* and instead have indicated that: *“A continuous planting of trees or shrubs can be utilised to buffer the units from a street line, which will be addressed through the landscape plan included as Condition No. 11 of Appendix “D” to Report PED24154”* as a visual barrier.

We are in support of this proposed change and would like to know how this requirement would affect the design of the retaining wall and site grading to maintain the flow of stormwater to Fiddler's Green Road.

- 4) **Tree Protection** - Both lots have mature trees, especially on the property lines. The property line trees are part of a connected tree canopy that is an important feature of the neighbourhood. The trees provide several important functions including providing privacy between properties, shade, animal habitat and reduction of greenhouse gases as a carbon sink.

We viewed the Vegetation Management Plan (Adesso Design Inc., December 8, 2023) and are encouraged to see that most of the trees along the property lines will remain and there is a tree protection plan. We remain concerned about the protection of the trees during excavation of foundations and construction of the retaining wall, and their long-term survival given the narrow swale around the perimeter of the property (approximately 1.5 metres).

While we like the construction of a perimeter fence for privacy between properties, this may damage trees and require fence to be placed on the subject lands.

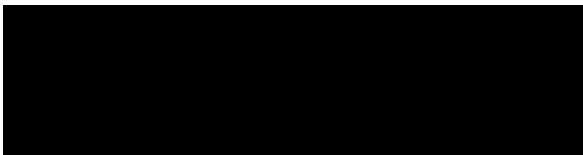
- 5) **Building Height** – We understand that the dwellings are proposed to be two storeys and request that this be maintained in the final design and construction.

- 6) **Traffic Impacts** - The development is not supported by the City’s Transportation Master Plan, and there are no Road Network Improvements planned to urbanize this section of Fiddler’s Green Road in the current plan. The development will incrementally add additional traffic to a road segment that is already seeing increased traffic, especially vehicles travelling northbound on Fiddler’s Green Road at 60 km/hr speeds. Over the last five years it has been increasingly difficult to enter and exit Ravina Crescent. It also very challenging for both walking and cycling in the area because of traffic and lack of sidewalks on the east side of Fiddler’s Green Road.

We would also like to be notified of any decision of the City of Hamilton on the proposed Condominium Application and Zoning By-Law Amendment.

Thank you for the opportunity to provide input on this application.

Sincerely,



Beth Goodger

Gary Tuff



cc: Mark Michniak, Planning Department
Councillor Craig Cassar, Ward 1