

Special Conditions for Draft Plan of Subdivision Approval for 25T-202207

That this approval for the Draft Plan of Subdivision, 25T-202207, prepared by A.J. Clarke and Associated Ltd., certified by Nicholas P. Muth, O.L.S., dated August 22, 2024, consisting of 2 lots for semi detached dwellings (Lots 1-2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management purposes (Block 16) and the extension of Mentino Crescent, be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **prior to registration of the final plan of subdivision**, the Owner agrees to transfer to the City a minimum 7.0 m wide storm servicing block (Block 16) adjacent to the south property line of lot 2 and lot 3 from Mentino Crescent to Eleanor Avenue, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

2. That, **prior to registration of the final plan of subdivision**, the Owner agrees that they will perform all required Winter Maintenance activities on all Public Highways within the registered Plan in accordance with Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways under the Municipal Act, 2001 (MMS) until the criteria for municipal Winter Maintenance activities are met. Additionally, the Owner commits to submitting an application to the City for assuming Winter Maintenance responsibilities before September 15th, provided that the following criteria;
 - a. Sites are easily accessible;
 - b. Roads are free of all construction debris and have at least the base course asphalt completed;
 - c. Trucks can enter and exit without backing up; and,
 - d. Utility chambers are either ramped at a minimum of 2 metres from each chamber or set to grade.

All to the satisfaction of the Manager of Roadway Maintenance.

3. That, **prior to registration of the final plan of subdivision**, the Owner agrees that until an application for Waste Collection Services has been submitted and approved as per the City of Hamilton Waste Requirements for the Design of New Developments and Collection, the Owner shall make the appropriate arrangements for the collection and disposal of household waste, entirely at owner's expense, all to the satisfaction of the Manager of Waste Collection.

4. That, **prior to registration of the final plan of subdivision**, the Owner shall design, install, and energize the street lighting system, entirely at the Owner's

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

5. That, **prior to preliminary grading**, the Owner shall submit an updated stormwater management (SWM) report prepared by a qualified Professional Engineer and in accordance with FSR and SWM Report (A.J. Clarke; dated March 2024), City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines by considering the following parameters:
 - a. A linear stormwater super pipe shall be identified and established along the entire extension of Mentino Crescent and stormwater servicing block (Block 16) to accommodate drainage from the subject land including any interim and permanent external drainage routed through the SWM facility for 2- to 100-year storm events;
 - b. Up to 100-year post-development flow shall be controlled to the maximum release rate of 17 L/s as identified in the FSR and SWM Report (AJ Clarke; dated: March 2024);
 - c. Post-development 100-year hydraulic grade line (HGL) shall not exceed the super pipe obvert elevation; and,
 - d. A continuous and unobstructed overland flow route shall be established from the rear yard of lot 8 to Eleanor Avenue through the rear yards of lots 8-3 and stormwater servicing block (Block 16).

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

6. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedule, a 3.0 metre wide paved and adequately illuminated pedestrian connection through the proposed servicing Block at the south limit of Lots 2 and 3 (Block 16) from Mentino Crescent extension to Eleanor Avenue, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
7. That, **prior to servicing**, the Owner shall submit a revised geotechnical report prepared by a qualified professional engineer in accordance with City standards, and implement the recommendations of the report, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
8. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules, the reconstruction of driveways for the dwellings located at 21, 24, 27 and 30 Mentino Crescent associated with the removal of the temporary turning circle to realign and generally connect perpendicular to the proposed Mentino Crescent curb. This shall incorporate any required works on private lands including new driveway reconstruction extending to the garage with material approved by the City. The Owner shall obtain written permission from the private landowners to perform the proposed works on private property. All

costs associated with the driveway realignments and new driveway reconstruction will be at 100% Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.

9. That, **prior to servicing**, the Owner include in the engineering design and cost estimate schedules the extension of Mentino Crescent from the existing terminus at the east limit to the south limit of the draft plan lands including but not limited to: the proposed stormwater management superpipe, removal of the existing temporary turning circle at the south limit of the draft plan lands, utility relocates, pole relocates, hydro vault relocates, etc., restoration of the road and boulevards and the extension of sidewalk to blend with the proposed sidewalks on Mentino Crescent, entirely at the Owner's cost, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. That, **prior to servicing**, where services are to be constructed in rock, the Owner shall conduct a pre-condition survey of residences within minimum 100 metres and notify residents of rock removal within minimum 200 metres of that phase of construction, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
11. That, **prior to servicing**, the Owner shall submit a rock removal protocol and vibration monitoring plan, including a pre-construction survey and associated cost estimates, prepared by a licensed professional engineer. All associated costs will be borne by the Owner and shall be included in the engineering cost schedules, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
12. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules the installation of a 1.5m high black vinyl coated heavy-duty chain-link fence along the north and south limits of Block 16, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
13. 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 and Manager, Transportation Planning.
14. That, **prior to servicing**, the Owner prepares and submits a driveway location/on street parking plan showing:
 - a. The location of driveways based on achieving on-street parking for 40% of the total dwelling units;
 - b. The driveways ramps and curb openings for all lots; the pairing of driveways;

- c. Where lots in the subdivision abut a park entrance or a public walkway, as the case may be;
- d. The location of transit pads, community mailbox pads and fire hydrants, where the location has been determined by the appropriate authorities; and,
- e. Parking on one side of the street only.

All to the satisfaction of the Manager, Transportation Planning.

- 15. That, **prior to servicing**, the Owner agrees to include in the engineering design and cost estimate schedules permanent pavement marking and signage plans for all internal streets of the subdivision including street signs, stop signs, stop bars, pedestrian crossings, etc. upon placement of surface course asphalt, entirely at the Owner's costs, all to the satisfaction of the Manager, Transportation Planning.
- 16. That, **prior to registration of the final plan of subdivision**, the Owner agrees to pay all outstanding costs including cost recoveries associated with the draft plan lands, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
- 17. That, **prior to preliminary grading**, the Owner agrees to provide in writing a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision. 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 contractor/agent contact information so that the City can direct the work to be completed as necessary all to the satisfaction of the Director, Growth Management & Chief Development Engineer.

Transportation Planning:

- 18. That, **prior to grading**, a 1.5 metre clear width sidewalk must be provided on both sides of all proposed roads within the subject lands, to the satisfaction and approval of the Manager, Transportation Planning.
- 19. That, **prior to grading**, the alignment of any existing-to-new sidewalk connections must transition at a deflection ratio of 1:1, to the satisfaction and approval of the Manager, Transportation Planning.
- 20. That, **prior to grading**, the driveways to each new residential lot must be minimum 3.0 metres and no more than 5.0 metres in width and be designed as per City of Hamilton Standard Drawing no. RD-108, to the satisfaction and approval of the Manager, Transportation Planning.

21. That, **prior to registration of the plan of subdivision**, approximately 20.0 metres shall be dedicated to the right-of-way for the extension of Mentino Crescent, as per the Council Approved Urban Official Plan: Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2. Local Roads (Mentino Crescent) are to be 20.0 metres as to be consistent with the existing portion of Mentino Crescent, all to the satisfaction of the Manager, Transportation Planning.

Heritage & Urban Design:

22. That, **prior to preliminary grading or servicing**, the Owner/Developer 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 drip lines, edges of existing plantings, the 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.
23. That, **prior to registration**, the Owner/Developer shall prepare a Landscape Plan by a certified Landscape Architect showing the placement of compensation trees for any tree removals to the satisfaction of the Director Heritage and Urban Design.

Growth Planning:

24. That, **prior to registration of the final plan of subdivision**, the owner and agent shall work with Legislative Approvals / Staging of Development Staff to finalize municipal addressing, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Forestry & Horticulture:

25. That, **prior to preliminary grading**, the Owner shall submit any necessary canopy fees for any municipal trees related to the subdivision including construction of the extension of Mentino Crescent, to the satisfaction of the Director of Environmental Services.

Development Planning:

26. That, **prior to issuance of a Building Permit**, the Owner shall register the appropriate easements for access and maintenance along the interior side yard of lots proposed to contain side yards less than 1.2 metres, to ensure each future lot has a minimum 1.2 metre free and clear access along the side of the dwelling unit, to the satisfaction of the Director of Planning and Chief Planner.
27. That, **prior to servicing**, the Owner shall submit for approval, a Photometric Analysis of the lighting design for the proposed pedestrian walkway in the

servicing block to be conveyed to the City (Block 16), demonstrating no light trespass onto the adjacent residential properties in accordance with the City's guidelines and terms of reference, to the satisfaction of the Director of Planning and Chief Planner.

28. That, **prior to registration of the plan of subdivision**, the Owner discharge the consent agreement associated with the previous Consent to Sever application for the lands legally described as Part 6 on Reference Plan 69R-21690, to the satisfaction of the Director of Planning and Chief Planner.

Bell Canada:

29. That, **prior to registration of the plan of subdivision**, the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
30. That, **prior to the registration of the plan of subdivision**, the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Enbridge Gas:

31. That prior to **registration of the plan of subdivision**, the owner / developer shall provide to Enbridge Gas Inc.'s operating as Union Gas, ("Union") the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

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 3 years. However, extensions will be considered if a written request is received two months before the draft approval lapses.

Recycling and Waste Disposal:

2. The developer is responsible for all waste removal up until the time that municipal collection services are initiated.