

### Special Conditions for Draft Plan of Subdivision Approval for 25T-202106

That this approval apply to the Draft Plan of Subdivision "9555 Airport Road", 25T-202106, certified by N. Muth, O.L.S, dated February 13, 2024, consisting of two blocks for employment uses (Blocks 1 and 2), one block for a road right-of-way widening dedication (Block 3) and the extension of Street 'A', 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 acknowledges and agrees in writing, that a detailed Functional Servicing and Stormwater Management Report, including Stormwater Management requirements will be required for Site Plan Application(s) for Block 1 and Block 2 prepared by a professional engineer, all in accordance with the approved stormwater management (SWM) report for this subdivision, all to the satisfaction of to the Director of Development Engineering.
2. That **prior to registration of the final plan of subdivision**, the owner acknowledges and agrees in writing, that as a part of the Site Plan application process the owner will implement all Low Impact Development (LID) requirements in accordance with the City and MECP requirements, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
3. That, **prior to registration of the final plan of subdivision**, the owner shall agree in writing to register the 12.0 metre wide service easement along the proposed 750 mm storm sewer and the 375 mm sanitary sewer to the west limit of the draft plan lands. The easement width along the 750 mm storm sewer located to the south, may be reduced to 9.0 metres. The service easement will be used for future maintenance of the proposed sewers and the emergency overland flow, in favor of the City of Hamilton, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
4. That, **prior to registration of the final plan of subdivision**, the owner shall agree in writing to register a minimum 9.0 metre wide access easement for the emergency overland flows over Block 2 in favor of the City of Hamilton. The final easement width shall be established during the Site Plan Application(s) detailed design stage for the parking lot area between Buildings B and C, as such, the easement registration will be part of the Site Plan Application(s) for Block 1 and Block 2 Conditional Site Plan Approval, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

5. That, **prior to registration of the final plan of subdivision**, the owner shall be responsible for the construction and future maintenance of the private Stormwater Management Pond on the subject site and agree in writing to register a blanket access easement over the Stormwater Management Pond in favor of the City of Hamilton, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
6. That, **prior to registration of the final plan of subdivision**, the owner shall agree in writing to register reciprocal easement over the 975 mm storm sewer located in Block 2, the Stormwater Management Pond Facility and its outlet, in favor to the owners of Block 1 and Block 2 for future maintenance in accordance with City's By-Laws including the By-Law No. 23-234, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
7. That, **prior to registration of the final plan of subdivision**, the owner agrees to make a cash payment for the future urbanization of Airport Road West based on the frontage of the subject draft plan lands based on the "new roads servicing rates" at the time of the payment, to the satisfaction of Director, Growth Management and Chief Development Engineer.
8. That, **prior to registration of the final plan of subdivision**, the owner agrees that prior to the installation of the permanent Street Name Signs by the City, the owner shall install temporary street name signs, consisting of a painted and legible sign on wooden backing, fastened securely to a post 2.6 metres above ground level (to bottom of sign) shall be erected at all street intersections within the subdivision immediately following base course asphalt placement. The signs shall be visible from both directions (i.e., double-sided). The street name signs shall be maintained until such time as all boulevard grading has been completed, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
9. That, **prior to registration of the final plan of subdivision**, the owner shall pay the appropriate fees for the installation of street signage, in accordance with the City's standards and the City's current user fees schedule, to the satisfaction of the Director, Growth Management & Chief Development Engineer.
10. 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 the owner's expense, all to the satisfaction of the Manager of Waste Policy and Planning.

11. That, **prior to registration of the final plan of subdivision**, the owner agrees to enter into a Joint Use Agreement to share storm sewers, overland flows and stormwater management facility between Block 1 and Block 2, in accordance with the City's By-Laws including By-Law No. 23-234, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
12. That, **prior to preliminary grading**, the owner agrees to provide an Erosion and Sedimentation Control Plan demonstrating construction stages, overland flow direction, erosion and sedimentation measures, stockpiles, temporary sedimentation pond, etc., and ensure the removal of the sediment attributed to the construction of the subject development from the downstream existing ditches and culverts at the following locations:
  - a) along the existing south side ditch and the 900 mm PVC culvert on Airport Road West;
  - b) along the existing retained wetland to the west limit of the draft plan lands;  
and,
  - c) along Highway No. 6 existing north side ditch, 1800 mm x 1200 mm concrete culvert to the southeast, and the existing 1800 mm x 900 mm concrete culvert to the southwest;all at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
13. That, **prior to preliminary grading**, the owner agrees to provide 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 and Chief Development Engineer.
14. That, **prior to preliminary grading**, the owner shall obtain the required permits and approval from the Ministry of Transportation and Enbridge, (utility company), to the satisfaction of the Director, Growth Management and Chief Development Engineer.
15. That, **prior to preliminary grading**, the owner shall obtain the necessary permission/consent from the owners of the surrounding lands, to accommodate any grading encroachment on their properties required for the construction of the

subject draft plan lands, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

16. That, **prior to preliminary grading**, the owner shall submit a construction management plan to the satisfaction of the Director, Growth Management and Chief Development Engineer.
17. That, **prior to preliminary grading**, the owner shall submit a Conceptual Grading Plan demonstrating the existing and proposed elevations, overland flow direction, etc., to the satisfaction of the Director, Growth Management and Chief Development Engineer.
18. That, **prior to preliminary grading**, the owner shall submit a detailed Stormwater Management (SWM) report prepared by a professional engineer that includes, but is not limited to, the following parameters below:
  - a) Demonstrate how stormwater quantity, quality including erosion controls for the subject development will be handled through the proposed stormwater management (SWM) measures in accordance with the AEGD Subwatershed Study and Stormwater Master Plan, June 2011, AEGD Subwatershed Study and Stormwater Master Plan Implementation Document, April 2017, the City of Hamilton Drainage Policy, City of Hamilton Comprehensive Development Guidelines and Financial Policies Manual (current) and the MECP Stormwater Management Planning and Design Manual (2003);
  - b) Demonstrate how the post development flows will be controlled to allowable flow rates for the subject development based on lesser of unitary flow rates as per AEGD Subwatershed Study and Stormwater Master Plan and existing condition model developed for the subject development for all ranges storm events including 100 year storm events;
  - c) Verify that the proposed dry pond is of sufficient size and shape to meet the allowable target flow rates for the subject lands in accordance with the Ministry of Environment, Conservation and Parks (MOE) and City Guidelines and AEGD sub-watershed Study and Maser Plan recommendations;
  - d) Demonstrate how 'Level 1' stormwater quality control will be provided for the proposed development considering treatment train design principles including landscape based green infrastructure LIDs by infiltrating a minimum of 10 mm runoff and how water balance infiltration target using LIDs will be achieved in accordance with AEGD Subwatershed Master Plan and Eco-Industrial Design Guidelines for the AEGD lands;

- e) Demonstrate with erosion exceedance analyses of the existing tributary of Welland River, between the proposed storm outlets and the existing culvert under White Church Road West, that the potential for excess erosion within the watercourse will be mitigated by proposed stormwater management measures; and the SWM pond design shall demonstrate that the runoff from a 25 mm design storm (4 hour Chicago distribution) will be detained and released over a period of at least 24 hours from erosion control perspective;
- f) Demonstrate no negative impacts on the flood inundation of the existing conveyance system from the culvert under Airport Road to the west culvert under Highway No. 6;
- g) Demonstrate minor, major, and emergency flow conveyance for the flows from the subject lands and all external drainage areas; and,
- h) Demonstrate that the hydraulic grade line (HGL) for the post development 100yr return period flow will be a minimum of 0.30m below the top of grate elevation at all applicable inlet locations and the 5yr HGL will be within storm sewers;

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

- 19. That **prior to preliminary grading**, the owner agrees to submit a Geotechnical Engineering Report and to implement the recommendations of the final approved geotechnical engineering report, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
- 20. That, **prior to preliminary grading**, the owner agrees to monitor drainages across the existing lands from the proposed storm outlets to the existing culvert at White Church Road West to ensure that the above-mentioned existing lands are not negatively impacted by the subject development, to the satisfaction of the Director of Growth Management and Chief Development Engineer. The development impact monitoring plan shall develop baseline conditions of the downstream conveyance systems and the monitoring shall occur throughout the construction of the subdivision and for a period of not less than 2 years after all blocks within the approved draft plan are fully developed. In the event a problem arises, the owner further agrees to take the necessary remedial action as per the monitoring report, at their cost. The engineering design and cost estimate schedules for the outlet works shall include a minimum of \$100,000.00 cash security for potential remedial works. The security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the draft approved plan.

21. That, **prior to preliminary grading**, the owner agrees and be responsible to maintain, develop, and implement a compliance and performance monitoring plan for all low impact development (LID) measures proposed within the subject development lands, for a minimum of five years, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
22. That, **prior to preliminary grading**, the 0.3 metre reserve (Block 272 of Plan 62M-1275) shall be lifted, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
23. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedule provisions for the construction of the 975 mm private sewer and stormwater management pond, including the associated outlet and appurtenances, entirely at the owner's sole expense, to the satisfaction of the Director of Growth Management and the Chief Development Engineer.
24. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedule provisions for the construction of the proposed 750 mm storm sewer bypass (conveyance of the external drainage area north of the Airport Road West) along the east limit of the draft plan lands, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
25. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedule provisions for the construction of the proposed 375 mm sanitary sewer on Street 'A', extended to the easterly property limit of the draft plan lands within the 12.0 metre wide easement connected to the existing downstream 375 mm sanitary sewer within Block 270, Plan 62M-1275, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
26. That, **prior to servicing**, the owner shall acknowledge and agree in writing that in accordance with the Airport Employment Growth District – Phase 2 Water and Wastewater Servicing Master Plan, the allowable population density for the entire subject draft plan lands designated as 81pp/ha. The proposed full-build-out of each block shall not exceed the allowable wastewater flows. In case the flow exceeds, the owner shall be responsible for completing the upgrades/upsizing the downstream sanitary sewer system, including but not limited to, the re-installation of the laterals of the existing houses, if required, at owners' sole expense, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
27. That, **prior to servicing**, the owner acknowledges that the installation of the proposed service connections shall comply with the latest water and sewer drain

By-law, to the satisfaction of the City's Director, Growth Management and Chief Development Engineer.

28. That, **prior to servicing**, the owner agrees to design and construct Street 'A' (local industrial road cul-de-sac) established as a 26.0 m right-of-way, from the existing limit of Westland Drive extended to the limit of the proposed cul-de-sac to the west, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
29. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provisions for the construction of the 300 mm dia. watermain on Street 'A' and provide for watermain looping on the proposed cul-de-sac, including a flushing hydrant for water quality as per City's standards. However, if a watermain looping is required from the proposed Street 'A' to the existing 400 mm diameter watermain on Airport Road West to meet the targeted RFF as per the City's Standards, the proponent shall be responsible for any required upgrade to the existing 400 mm diameter watermain at the owner's expense. Further, the owner shall agree in writing to register a 6.0 metre wide service easement in favor of the City along the said watermain, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
30. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provisions for the construction of a 1.5 metre high black vinyl-coated heavy duty chain link fence along the following locations:
  - a) along the property line of the subject draft plan lands and the existing open space "Block 266, Plan 62M-1275" to the east;
  - b) along the property line of the subject draft plan lands to the west; and,
  - c) along the property line of the subject draft plan lands (Block 2) and Highway No. 6 to the south including the south limit of the proposed stormwater management pond;all at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
31. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provisions for the construction of privacy / noise fence along the property line of the subject draft plan lands and the existing residential subdivision to the east, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer. The final height of the acoustical fence may change based on final grading information.

32. That, **prior to servicing**, the owner shall agree that the proposed retaining wall of more than 1.0 metre in height be designed and approved by a Structural Engineer. The design of the retaining wall shall be peer-reviewed and obtaining the required permit from the Building Department, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
33. That, **prior to servicing**, the owner agrees to construct a local industrial road cul-de-sac with outer radius (R=20.75 metre), and pavement / inner radius (R=15.0 metre) as per City's Standards, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
34. That, **prior to servicing**, the owner shall submit a 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:
- a) an aquifer is breached during construction;
  - b) groundwater is encountered during any construction within the subdivision including but not limited to, house construction;
  - c) sump pumps, if required, are found to be continuously running; and,
  - d) water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted;
- all at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
35. That, **prior to servicing**, the owner agrees to provide an updated Functional Servicing Report with a detailed servicing strategy for the entire site, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
36. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedule provisions to relocate, as required, any affected utility poles, hydrants, pedestals, hydro vaults, etc. at the owner's sole expense, to the



satisfaction of the Director, Growth Management and Chief Development Engineer.

37. That, **prior to servicing**, the owner agrees to submit and obtain approval for the watermain hydraulic analysis in accordance with City standards, to the satisfaction of the City's Director of Water and Wastewater Planning and Capital, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
38. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for the installation of 1.5 metre wide concrete sidewalks along both sides of Street "A" and around the proposed cul-de-sac, to the satisfaction of the Director, Growth Management and Chief Development Engineer and Manager of Transportation Planning.
39. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for a suitable storm sewer outlet on Street "A" to capture the minor flows from the existing Westland Drive and the existing Open Space "Block 266, Plan 62M-1275", discharge into the proposed private stormwater management facility to the south, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
40. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for a suitable storm sewer outlet for the proposed parking lot area on Block 2 to the east limit of the draft plan lands to accommodate the minor flows generated from the parking lot area, at the owner's sole expense, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
41. That, **prior to servicing**, the owner agrees that during any phase of construction, the installation of any construction crane should be coordinated with the Hamilton Airport Manager and with Transport Canada, to the satisfaction of the Director, Growth Management and Chief Development Engineer. Also, in advance of construction, an Aeronautical Obstruction Clearance Form must be submitted to Transport Canada for assessment.
42. 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, 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 Director, Growth Management and Chief Development Engineer.

43. That, **prior to servicing**, 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 and Chief Development Engineer.

#### **Development Planning:**

44. That, **prior to registration of the plan of subdivision**, the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

#### **Heritage and Urban Design:**

45. That, **prior to preliminary grading and/or servicing**, a Verification of Tree Protection Letter must be prepared and submitted by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect), to the satisfaction of the Director of Planning and Chief Planner.
46. That, **prior to preliminary grading and/or servicing**, the owner is to be aware of the *Migratory Birds Convention Act*, 1994 and agrees that removal of any vegetation on the subject lands is to occur between Sept. 1 and March 30. However, in the event that vegetation removal is proposed during the restricted breeding period, the owner/applicant shall have a qualified biologist conduct a nest search of the vegetated area with City Natural Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in proximity to the removal area, to the satisfaction of the Director of Planning and Chief Planner.
47. That, **prior to preliminary grading and/or servicing**, the owner agrees, that should it be determined through detailed design that grade changes are required, any grade changes must be accommodated outside of the vegetation protection zone (VPZ), to the satisfaction of the Director of Planning and Chief Planner.
48. That, **prior to preliminary grading and/or servicing**, the owner shall develop and implement an invasive species management plan (including cost estimate), to the satisfaction of the Director of Planning and Chief Planner.

49. That, **prior to registration of the plan of subdivision**, the owner shall prepare a Vegetation Protection Zone (VPZ) Planting Plan/Restoration Plan, to the satisfaction of the Director of Planning and Chief Planner. The VPZ Planting Plan is to be prepared by a certified landscape architect in consultation with an ecologist and will identify the locations and species planted. All plantings within the VPZ shall use only non-invasive plant species native to Hamilton. The Plan is to implement the restoration considerations identified within the Environmental Impact Statement (EIS) prepared by GEI (Savanta) dated February 2024.
50. That, **prior to registration of the plan of subdivision**, the owner 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 of Planning and Chief Planner.
51. That, **prior to registration of the plan of subdivision**, the owner shall prepare a monitoring plan that evaluates the success of the invasive species management, VPZ plantings, and wildlife enhancement features, to the satisfaction of the Director of Planning and Chief Planner.
52. That, **prior to registration of the plan of subdivision**, the owner shall prepare and implement a Stewardship Plan, to the satisfaction of the Director of Planning and Chief Planner. This Plan will include (but not be limited to) signage, fencing requirements, bird-friendly design, a Landscape Maintenance Strategy (i.e., mowing, fertilizing), and the location of snow storage.
53. 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 4 – archaeological assessment (PIF Nos. P462-0027-2020) 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:**

54. That, **prior to registration of the plan of subdivision**, the owner shall work with Growth Planning staff to finalize municipal addressing for the individual Blocks, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

#### **Transportation Planning:**

55. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provisions for the installation of all works associated with the required 'protected intersection' at the intersection of Street 'A' and Provident

Way, to the satisfaction and approval of the Manager, Transportation Planning, and further that:

- a. All costs associated with these works, including but not limited to the design and construction, will be at the expense of the owner;
  - b. The design shall incorporate but is not limited to required street lighting, signage, pavement markings, textured pavement treatments, and concrete/asphalt works; and,
  - c. The final engineering design shall be completed to the satisfaction and approval of the Manager, Transportation Planning and the Manager, Transportation Operations & Maintenance.
56. That, **prior to registration of the plan of subdivision**, the owner shall enter into a cost sharing agreement for the provision of funds required to facilitate infrastructure improvements at the intersection of Upper James Street and Airport Road West, to the satisfaction and approval of the Manager, Transportation Planning and the Manager, Development Engineering Approvals.
57. That **prior to servicing**, approximately 3.0 metres are to be dedicated to the right-of-way along Airport Road West, 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 and the Director, Growth Management and Chief Development Engineer.
58. That **prior to servicing**, the owner dedicate adequate right-of-way for the required cul-de-sac at the termination of Street 'A', to the satisfaction and approval of the Manager, Transportation Planning and the Manager, Development Engineering Approvals.

#### **Niagara Peninsula Conservation Authority:**

59. That, **prior to grading and servicing**, the owner submits to the Niagara Peninsula Conservation Authority for review and approval, detailed grading, storm servicing, stormwater management, construction sediment control all to the satisfaction of the Niagara Peninsula Conservation Authority.

#### **Enbridge Pipelines:**

60. That, **prior to preliminary grading and/or servicing**, the owner acknowledges and agrees in writing that the following are met:
- a) The owner obtain a locate request to identify the precise alignment of the pipeline on the subject lands, to the satisfaction of Enbridge.

- b) That no development is permitted within the Enbridge right-of-way without Enbridge's written consent and without the presence of an Enbridge representative of the site.
- c) That written consent from Enbridge is required within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area".
- d) That written consent from Enbridge is required for all above and below ground crossings of the pipeline.
- e) Where future development such as a roadway or a parking area is proposed within the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work, and any other pipeline alteration as a result of the crossing will be borne by the owner.
- f) Subdivision lot lines should not divide the pipeline right-of-way. Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease.
- g) Development setbacks from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.
- h) Landscaping shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines.
- i) Pathways shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements.
- j) Fencing should be installed along the identified open space easement.
- k) Written consent must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.
- l) Notifications of additional development for Class monitoring: As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please

keep us informed of any additional development being proposed within the Pipeline Assessment Area.

### **Union Gas**

61. That **prior to registration of the final 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.

### **Ministry of Transportation Ontario:**

62. That **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation the draft plan of subdivision showing suitable widening blocks identified as being dedicated as public highway.
63. That **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.
64. That **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, and internal road construction plans.
65. That **prior to registration of the final plan of subdivision**, the owner shall enter into a Legal Agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all necessary associated highway improvements.
66. That **prior to registration of the final plan of subdivision**, the owner shall submit to the Ministry of Transportation for their review and approval, a Lighting Plan.

### **Hamilton International Airport:**

67. That, **prior to preliminary grading and/or servicing**, the owner acknowledge it is the responsibility of the owner to demonstrate compliance with the Airport Zoning Regulations (AZR) through a Legal Land Survey attesting clearance of the surfaces as specified in the Transport Canada Advisory Circular (AC) 602-003, to the satisfaction of the Hamilton Airport Manager and Transport Canada.
68. That, **prior to servicing**, the owner agrees that during any phase of construction, the installation of any construction crane should be coordinated with the Hamilton

Airport Manager and with Transport Canada. Also, in advance of construction, an Aeronautical Obstruction Clearance Form must be submitted to Transport Canada for assessment, to the satisfaction of the Hamilton Airport Manager and Transport Canada.

**Canada Post:**

69. That **prior to the registration of the final plan of subdivision**, the owner shall include in all offers of purchase and sale and lease and rental agreements, a statement that advises the prospective purchaser:
- a) That the home / business mail delivery will be from a designated Centralized Mail Box; and,
  - b) That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any unit sales.
70. That **prior to the registration of the final plan of subdivision**, the owner further agrees to:
- a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development;
  - b) Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
  - c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the development;
  - d) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations; and,
  - e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

71. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility ( Lock Box Assembly ) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space, to the satisfaction of Canada Post.

**Bell Canada:**

72. 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.
73. 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.

**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. This industrial development is ineligible for municipal waste collection as per the requirements under the Waste Management System By-law No. 20-221.