

Special Conditions for Draft Plan of Subdivision Approval for 25T-202301

That this approval for the Draft Plan of Subdivision, 25T-202301, for the lands known as 760 Stone Church Road East, 153 and 224 Eaglewood Drive, and 49 Eleanor Avenue, certified by Nicholas P. Muth, O.L.S., dated April 24, 2024, consisting of 16 lots for single detached dwellings (Lots 1-16), one block for the future development of 11 single detached dwellings on a private condominium road (Block 17), one remnant development block (Block 18), one block for a Daylighting Triangle (Block 19), and the extension of Eaglewood Drive on the east and west of side of Eleanor Avenue, 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 that through the future Site Plan Control and/or Draft Plan of Condominium application, the owner shall install at entirely their cost, a continuous board fence along the east property limit of Block 17, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
2. That, **prior to registration of the final plan of subdivision**, the owner acknowledges and agrees to establish a continuous and unobstructed emergency overland flow route from the southwest rear corner of Lot 1 through the draft plan lands to the south known as 61 Eleanor Avenue (25T-202207), 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 acknowledges and agrees to maintain Block 18 in perpetuity or until such time as the proposed Holding Provision (H188) on the lands is lifted and the lands are comprehensively redeveloped with the lands to the east, 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 to include in all agreements of purchase and sale and/or lease of residential units, the following warning clauses:
 - a. "Purchasers of units within Block 17 are advised that the drainage from the adjacent Lots 6 to 14 shall be accommodated and further operated and maintained by the owner of Block 17".

All 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 agrees to perform all required Winter Maintenance activities on all Public Highways 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 are met;
 - 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 meters from each chamber or set to grade.

All to the satisfaction of the Manager of Roadway Maintenance.
6. That, **prior to registration of the final plan of subdivision**, the owner shall design, install, and energize the street lighting system on Eleanor Avenue and Eaglewood Drive, entirely at the owner's expense, all 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 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) and 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, Growth Management and Chief Development Engineer.
8. 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 and Chief Development Engineer.
9. That, **prior to registration of the final plan of subdivision**, the owner agrees, at their expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Eleanor Avenue and Eaglewood Drive, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
10. That, **prior to preliminary grading**, the owner agrees to provide a revised Functional Servicing Report a minimum of 90 days prior to the first submission of

the detailed engineering design, signed and sealed by a qualified, licensed professional engineer, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

11. That, **prior to servicing**, the owner agrees that Lots 6-14 and Block 17 will be undevelopable until an interim or ultimate stormwater management facility on Block 17 is in place and operational to meet the overall flow control target rates to match allowable flow rate identified in the Functional Servicing and Stormwater Management Report prepared by A.J. Clarke & Associates Ltd. dated May 2024, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

12. That, **prior to preliminary grading**, the owner shall submit a detailed Stormwater Management Report prepared by a qualified Professional Engineer to demonstrate how the stormwater management including a suitable minor and major system storm outlet will be handled for the subject development in accordance with City of Hamilton Drainage Policy and Current Comprehensive Development Guidelines. The SWM system design for the subject development shall consider the following parameters:
 - a. 100-year post-development flow from Block 17 including all contributing external drainage areas to be controlled to 30 l/s in accordance with the Functional Servicing and Stormwater Management Report prepared by A.J. Clarke dated: May 2024. The owner will provide Level '1' quality control in accordance with City Standards;
 - b. The SWM design for the proposed development shall demonstrate a linear stormwater superpipe within the Eaglewood Drive municipal right-of-way from the west limit to the east limit to accommodate the required stormwater management for the subject lands including external drainage area through the stormwater management superpipe for 2- to 100-year storm events. The allowable control rate shall not exceed 172 l/s in accordance with the Functional Servicing and Stormwater Management Report by A.J. Clarke & Associates Ltd. dated May 2024; and,
 - c. The proposed 100-year hydraulic grade line at ditch inlet 2 (DI2) in front of property no. 44 Eaglewood Drive shall be set at least 0.3 m below the top of grate elevation of ditch inlet 2 (DI2) without any proposed backflow control device in ditch inlet 2 (DI2);

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

13. That, **prior to preliminary grading**, the owner agrees that the stormwater management design for the subject development shall include filter media-landscaped based Low Impact Development (LID) techniques on Block 17 of the draft plan in accordance with the City of Hamilton and Ministry of the Environment, Conservation and Parks design standards. The owner further

agrees to maintain, develop, and implement a compliance and performance monitoring plan for all LID systems proposed within Block 17 for a minimum of 5 years, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

14. That, **prior to preliminary grading**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zones, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to building construction, and to undertake the works as recommended including monitoring. The report shall also provide 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 excavation;
 - b. Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
 - c. Sump pumps 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 to the satisfaction of the Director of Growth Management and Chief Development Engineer.

15. 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 and Chief Development Engineer.
16. That, **prior to preliminary grading**, the owner agrees in writing that the removal of all existing septic beds, garages, playground equipment, wells, fencing, and or any structures will be at the sole cost to the owner to the satisfaction of the Director, Growth Management and Chief Development Engineer.
17. 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 and Chief Development Engineer.
18. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedules, a 1.5m wide concrete sidewalk on the east side of Eleanor Avenue from the intersection at Eaglewood Drive to Stone Church Road East and on both north and south sides of Eaglewood Drive from the existing

easterly terminus to the existing westerly terminus, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

19. 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, Chief Development Engineer, the Manager of Transportation Planning and the Manager of Transportation Operations and Maintenance.
20. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, the removal and restoration associated with any temporary or permanent traffic controls (barriers, turning circles, curbs, checkboard signs etc.) where connections to existing streets are to be made, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
21. That, **prior to servicing**, the owner shall include in the engineering design and costs estimate schedules, the reconstruction of the full width of Eleanor Avenue, including the existing sidewalk, commencing approximately at 44m from the centreline of Stone Church Road East and continuing to 178m from the centreline of Stone Church Road East. The design and cost estimate schedules shall include the proposed intersection with Eaglewood Drive and provide an acceptable Emergency Overland Flow Route, all at 100% owner's cost, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
22. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, the works required to remove the existing dead-ends on Eaglewood Drive to complete the extension of the roadway and connect the existing termini. The works shall include but not be limited to the proposed stormwater management linear superpipe within the Eaglewood Drive right-of-way, any removal and restoration associated with, any temporary or permanent traffic controls (barriers, turning circles, curbs, checkboard signs etc.), utility relocates (including poles, vaults, etc.), sidewalk and boulevard restoration, etc., at 100% owner's cost, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.
23. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, the works required to lower the existing watermain on Eleanor Avenue required to facilitate the proposed development, all at 100% owner's cost, all to the satisfaction of the Director, Growth Management and Chief Development Engineer.

24. 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 and Chief Development Engineer.
25. 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 and Chief Development Engineer.
26. That, **prior to servicing**, the owner include in the engineering design and cost estimate schedules, the reconstruction of driveways for the dwellings located at 225 and 228 Eaglewood Drive associated with the removal of the temporary dead end to realign and generally connect perpendicular to the proposed Eaglewood Drive 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 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 and Chief Development Engineer.
27. That, **prior to servicing**, the owner provide a minimum 1.80m side yard setback on the west side of Lot 15 in accordance with the recommendation provided on the grading plan as part of the Functional Servicing and Stormwater Management Report by A.J. Clarke and Associates Ltd. dated May 2024, to the satisfaction of the Director, Growth Management and Chief Development Engineer.
28. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules the provision for reconstruction of Eleanor Avenue to a full urban cross-section in accordance with City standards at City's cost from the north limit of the proposed Eaglewood Drive extension to Dulgaren Street, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

Transportation Planning:

29. That, **prior to preliminary grading**, the owner shall design the Eaglewood Drive extension to the satisfaction and approval of the Manager of Transportation Planning and the Director, Growth Management and Chief Development Engineer.

30. That, **prior to the issuance of a building permit**, the owner shall construct the Eaglewood Drive extension to City of Hamilton standards, to the satisfaction of the Manager of Transportation Planning and Director, Growth Management and Chief Development Engineer.
31. That, **prior to registration of the plan of subdivision**, right-of-way of approximately 20.117 metres in width is to be dedicated as the extension of Eaglewood Drive, to the satisfaction and approval of the Manager, Transportation Planning.
32. That, **prior to registration of the plan of subdivision**, the owner shall dedicate 4.57 metre x 4.57 metre Daylighting Triangles to the right-of-way at the north-east and north-west corners of the intersection of Eaglewood Drive and Eleanor Avenue, to the satisfaction and approval of the Manager, Transportation Planning.
33. That, **prior to registration of the plan of subdivision**, the owner shall dedicate a 5 metre x 5 metre Daylighting Triangle to the right-of-way at the southeast corner of the intersection of Stone Church Road East and Eleanor Avenue, to the satisfaction and approval of the Manager, Transportation Planning.

Heritage and Urban Design:

34. That, **prior to preliminary grading or 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 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.
35. That, **prior to registration**, 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 Heritage and Urban Design.

Growth Planning:

36. That, **prior to registration**, 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.

Waste Policy and Planning

37. 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 Policy and Planning.

Development Planning:

- 38. 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 Development Planning.

- 39. That, **prior to registration**, the owner implement the recommendations of the Noise Study titled Environmental Noise Impact Study: Eleanor & Eaglewood Housing Development - 760 Stone Church Road East Hamilton, On, prepared by dBA Acoustical Consultants Inc., dated March 2022.

The owner shall agree to include in all agreements of purchase and sale and/or lease of residential units, the following warning clauses:

- a. Warning Clause Type “C” is required to be included in all Offers and Agreements of Purchase and Sale or Lease Agreements.

- b. For Units 7 – 11 of Block 17 and Lot 14:
 - i. This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s 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 Municipality and the Ministry of the Environment, Conservation and Parks.

All to the satisfaction of the Director of Development Planning.

Canada Post:

- 40. That, **prior to servicing**, the owner shall include on all offers of purchase and sale and lease or 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 home sales;

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

41. That, **prior to servicing**, the owner 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 subdivision;
 - 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 plan of subdivision;
 - 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; and,
 - e. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations;

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

Alectra:

42. That, **prior to registration of the plan of subdivision**, the owner / developer shall provide to Alectra, ("Alectra Utilities") the necessary easements and / or agreements required by Alectra for the provision of hydro services for this project, in a form satisfactory to Alectra.

Bell Canada:

43. 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.
44. 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:

45. 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 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 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. Prior to the start of municipal waste collection service, the development must be free of construction debris and construction related activities.