

### Special Conditions for Draft Plan of Subdivision Approval for 25T-202404

That this approval apply to the Draft Plan of Subdivision "Part of Lot 7 – Block 5 Concession 1 (Geographic Township of Binbrook) City of Hamilton" 25T-202404, certified by Nicholas P. Muth, O.L.S., dated November 22, 2024, consisting of one development block for townhouse dwellings (Block 1), be received and endorsed by City Council with the following special conditions:

#### Development Engineering:

1. That, **prior to registration of the plan of subdivision**, the owner acknowledges and agrees in writing that submission of a Functional Servicing and Stormwater Management Report all to the satisfaction of the Director, Growth Management and Chief Development Engineer will be required through the Site Plan Control application addressing:
  - a) The stormwater management design for the subject development shall include filter media-landscaped based Low Impact Development (LID) techniques on Block 1 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 1 for a minimum of 5 years;
  - b) That drainage for all lots within Block 1 shall be entirely self-contained including accommodation of any external drainage if applicable;
  - c) The stormwater emergency overland flow route must be directed to Rymal Road East;
  - d) The 100-year post-development storm discharge rate shall be controlled to the 5-year pre-development storm discharge rate identified in Table 1 of the Stormwater Management Report prepared by Quartek dated June 23, 2023. The controlled and uncontrolled storm discharge up to the 100-year storm event shall not exceed the pre-development flow identified in Table 1 above; and,
  - e) Level '1' quality control shall be provided on-site.
2. That, **prior to registration of the plan of subdivision**, the owner acknowledges and agrees in writing that submission of a Hydrogeological Report through the Site Plan Control application will be required. The report shall be conducted by a qualified professional (P. Eng., P. Geo.) that discusses soil/groundwater conditions to properly characterize potential dewatering needs. This brief should

discuss seasonal high groundwater levels, excavation depths, dewatering calculations (on a L/s and L/day basis), and if dewatering is required, groundwater quality sampling to compare against Sewer Use By-law criteria. The majority of these information requests can be provided if the applicant requires a geotechnical report to support the development without duplication of efforts, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

3. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, sewer and water service lateral connections for Block 1, 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 submit a Watermain Hydraulic Analysis Report to demonstrate that the required domestic and fire flows are available within the appropriate pressure ranges in the water district to satisfy Section 3. Subsection ii) of By-law No. 23-186, 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 pay their share for the outstanding cost recoveries for the municipal sanitary sewer on Rymal Road East and sanitary sewer drains per City of Hamilton By-law No. 14-035 and By-law No. 16-245 respectively, adjusted for inflation based on the current date at the time of payment, 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 agrees, at their expense, to remove, relocate, as may be required, all affected utility poles, hydrants, pedestals, hydro vaults, etc. on Rymal Road East, 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 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.

### Planning Division

8. That, **prior to registration of the plan of subdivision**, the owner acknowledges and agrees in writing, through the Site Plan Control application, to 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 the 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.

9. That, **prior to preliminary grading**, the recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) is to provide a Verification of Tree Protection Letter, to ensure that all tree protection measures have been implemented to the satisfaction of the Director of Planning and Chief Planner.
10. That, **prior to registration**, the owner shall provide a Landscape Plan prepared by a certified Landscape Architect showing the placement of compensation trees for any tree removals completed in accordance with the Arborist Report and Tree Protection Plan prepared by Davey Resource Group, dated October 6, 2022, to the satisfaction of the Director of Planning and Chief Planner.

#### **Bell Canada**

11. 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.
12. That, **prior to 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.

#### **Hamilton Conservation Authority**

13. That, **prior to registration of the plan of subdivision**, the owner acknowledges that the submission of the following will be required through the Site Plan Control application to the satisfaction of the Hamilton Conservation Authority:
  - a) A detailed Erosion and Sediment Control Plan;
  - b) A detailed Lot Grading, Servicing and Storm Drainage Plan;
  - c) The submission and approval of an HCA permit pursuant to Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits).

**Growth Planning:**

14. That, **prior to registration of the plan of subdivision**, the owner shall work with Legislative Approvals staff to finalize municipal addressing and street naming, to the satisfaction of the Director, Growth Management and Chief Development Engineer.

**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. This property is eligible for municipal waste collection service subject to meeting the City's requirements indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law No. 09-067, as amended.

The property owner must contact the City by email [wastemanagement@hamilton.ca](mailto:wastemanagement@hamilton.ca) or by telephone 905-546-CITY (2489) to request waste collection service. Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements.