

**Special Conditions for Draft Plan of Subdivision Approval for 25T- 201809**

That this approval apply to the Draft Plan of Subdivision “10525” certified by Bruce MacLeod, O.L.S., dated January 22, 2025, consisting of 17 lots for single detached dwellings (Lots 1 to 17), one block for a stormwater management facility (Block 18), and one block for a right-of-way widening (Block 19), and the extension of Braithwaite Avenue, be received and endorsed by City Council with the following special conditions:

**Development Engineering:**

1. That, **prior to the registration of the final plan of subdivision**, the owner shall agree to include in all the agreements of purchase and sale and/or lease of residential units, the following warning clauses, to the satisfaction of the Director of Growth Management and Chief Development Engineer:
  - i. “All Purchasers shall be advised of the proposed retaining wall located at the rear yard of Lots 12-17 and to be informed that the maintenance of the retaining wall will be entirely their responsibility.”
  - ii. “All Purchasers shall be advised of the proposed noise attenuation wall located at the rear yard of Lots 1-11 and to be informed that the maintenance of the noise wall will be entirely their responsibility.”
  
2. That, **prior to the City Assuming the Stormwater Management Facility**, the owner shall agree to the following, to satisfaction of the Director of Growth Management and Chief Development Engineer:
  - i. Submit an Operation and Maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Director of Growth Management and Chief Development Engineer, and inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the subject lands through to assumption of the facility;
  - ii. Construct, operate, and maintain at the owner’s expense, the stormwater management facility, in a manner acceptable to the City, including any changes to conditions of the Ministry of Environment’s approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by Director of Growth Management and Chief Development Engineer; and,
  - iii. Remove sediment from the stormwater management facility attributed to development, carry out a survey and verify volumetric capacity of the stormwater management facility, prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facility.

3. That, **prior to registration of the final plan of subdivision**, the owner dedicate two 9.14 metre by 9.14 metre daylight triangles at the intersection of Braithwaite Avenue and Hamilton Drive to the City as Public Highway under the Owner's Certificate on the final Plan of Subdivision, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
4. That, **prior to registration of the final plan of subdivision**, the owner agrees that the final plan of the subdivision shall include a 3.0 metre road widening block to be dedicated to the City of Hamilton as public highway by the owner's certificate on the plan, to establish the widened limit of Hamilton Drive at 26.213 metres from the center line of the original road allowance to the satisfaction of the Director of Growth Management and Chief Development Engineer.
5. That, **prior to registration of the final plan of subdivision**, the owner shall agree in writing to register the 9.0 metre wide service easement located within the adjacent property to the south at the municipal address 429 Hamilton Drive, in favour of the City of Hamilton, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
6. That, **prior to the registration of the final plan of subdivision**, the owner shall urbanize Hamilton Drive from the existing terminus to the west (fronting 445 Hamilton Drive) to the northern limit of the subject draft plan lands (up to the Highway 403 bridge), to the satisfaction of the Director of Growth Management and the Chief Development Engineer.
7. That, **prior to registration of the final plan of subdivision**, the owner dedicate Braithwaite Avenue (20.0 metre Right-of-Way) to the City as Public Highway under the Owner's Certificate on the final Plan of Subdivision, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
8. That, **prior to registration of the final plan of subdivision**, the owner shall indicate all driveway locations on the engineering drawings so that no driveway shall be located within a daylight triangle.
9. That, **prior to registration of the final plan of subdivision**, a minimum of 40% of on-street parking spaces shall be provided within the City Right-of-Ways, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
10. That, **prior to registration of the final plan of subdivision**, the owner agrees to submit the necessary transfer deeds to the City's Legal Department to transfer adequate lands for the stormwater management facility block (Block 18), subject to an approved stormwater management design, as required, within the draft plan, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

11. 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 as per Ontario Regulation 239/02 - Minimum Maintenance Standards for Municipal Highways - made 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 15<sup>th</sup>, provided that the following criteria are to the satisfaction of the Manager of Roadway Maintenance:
  - i) Sites are easily accessible;
  - ii) Roads are free of all construction debris and have at least the base course asphalt complete;
  - iii) Trucks shall be able to enter and exit without backing up; and,
  - iv) Utility chambers are ramped at a minimum 2.0 metres from each chamber or set to grade.
12. 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 Collection.
13. 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) that 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.
14. 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 of Growth Management and Chief Development Engineer.
15. 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 of Growth Management and Chief Development Engineer.
16. That, **prior to preliminary grading**, the owner shall prepare and provide a pre-post construction survey of surrounding roads such as: Hamilton Drive, and the

existing Braithwaite Avenue, including existing sidewalk, curb, and driveways, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

17. That, **prior to preliminary grading**, the owner shall obtain the required permits and approval from the Ministry of Transportation prior to the satisfaction of the Director of Growth Management and Chief Development Engineer.
18. That, **prior to preliminary grading**, the owner shall obtain a permit from the Hamilton Conservation Authority under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to any watercourse alteration, construction and/or grading activities within HCA's Regulated Area, to the satisfaction of the Hamilton Conservation Authority.
19. 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, and surrounding areas. This document will also include, the 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 of Growth Management and Chief Development Engineer.
20. That, **prior to preliminary grading**, the owner shall obtain the necessary permission/consent from the adjacent landowners 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 of Growth Management and Chief Development Engineer.
21. That, **prior to preliminary grading**, the owner shall submit a detailed stand-alone stormwater management report prepared by a professional engineer that includes, but is not limited to, the following, all, to the satisfaction of the Director of Growth Management and Chief Development Engineer:
  - a) Demonstrate how the post-development flow from the subject development, including applicable external lands, will be controlled to pre-development levels for all ranges of storm events including the 100-year event through the proposed stormwater management facility (dry pond in Block 18);
  - b) Demonstrate with erosion exceedance analyses of the existing tributary of Big Creek, between the proposed storm outlet and the existing culvert under Garner Road West, that the potential for excess erosion within the watercourse from 25mm storm event runoff will be mitigated by proposed stormwater management measures; alternatively, the stormwater

management facility quantity control design should 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.

- c) Verify that the proposed stormwater management facility, Block 18, shall be of sufficient size and shape/geometry to adequately accommodate post-development flows up to 100 year storm events from the subject and applicable external lands, and erosion control volume, including a maintenance access road as per City of Hamilton Comprehensive Development Guideline (current) and the MECP Stormwater Management Planning and Design Manual (2003). Until such time as the shape and size of the stormwater management facility is confirmed, Lots 15, 16 and 17 shall be considered undevelopable;
  - d) Demonstrate how the proposed flow diversion manhole (MH13) with the proposed weir will divert the controlled outflows from the proposed dry pond to the downstream Big Creek Tributary bypassing the existing Marshall Estate stormwater management pond and confirm that the original design flows to the Marshall Estate stormwater management pond will not increase;
  - e) Demonstrate Level 1 'Enhanced Protection' quality control for stormwater runoff from the subject development and all applicable external areas;
  - f) Demonstrate an adequate outlet through the proposed easement within 429 Hamilton Drive for minor, major flow and emergency flow from drainage area of Hamilton Drive to be urbanized from south of the intersection of Hamilton Drive and the Braithwaite Avenue extension to 445 Hamilton Drive and drainage area upstream of the existing 400 millimetre diameter culvert at the road bend fronting 430 Hamilton Drive including applicable drainage from properties fronting the Hamilton Drive to be urbanized; and demonstrate Level 1 'Enhanced Protection' quality control for stormwater runoff from the Hamilton Drive and associated drainage area; and,
  - g) Demonstrate that the hydraulic grade line (HGL) for the post-development 100 year return period flow will be at a minimum of 0.30m below the top of grate elevation at all inlet locations and the 5 year HGL will be within storm sewers considering the 100 year and 5 year pond operating levels, respectively.
22. That, **prior to preliminary grading**, the owner agrees to monitor drainage across the existing lands from the proposed storm outlet at the Big Creek

Tributary to the existing culvert at Garner Road to ensure that the above-mentioned existing lands are not negatively impacted by the subject development. The development impact monitoring plan shall develop baseline conditions of the downstream systems and the monitoring shall occur throughout the construction of the subdivision and for a period of not less than two years after all lot/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 two years after full buildout of the draft approved plan to the satisfaction of the Director of Growth Management and Chief Development Engineer.

23. 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 of Growth Management and Chief Development Engineer.
24. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for a suitable storm sewer outlet on the proposed Braithwaite Avenue to accommodate the major overland flows from the west portion of the site (external drainage area "A1") and the overland flow west of the proposed high point on Braithwaite Avenue extension. The storm sewer will be designed to capture the 100 year storm and convey it to the proposed stormwater management facility, at the owner sole expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
25. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for a suitable storm sewer outlet to accommodate major overland flows originating south of the Braithwaite Avenue and Hamilton Drive intersection, and east of the high point on Hamilton Drive (fronting 445 Hamilton Drive), extending to the south limit of 429 Hamilton Drive through the proposed 9.0 metre service easement. The storm sewer shall be designed to capture the 100 year storm event and convey it to the existing watercourse, to the satisfaction of the Director of Growth Management and the Chief Development Engineer.
26. That, **prior to servicing**, the owner/ shall include in the engineering design and cost estimate schedule provisions for the removal and replacement of the existing storm sewer system on the existing Braithwaite Avenue to the east, to convey the outlet flow from the proposed stormwater management facility to the existing Creek downstream including oil grit separators (OGS), headwalls, erosion control, road access, restoration, etc. at the owner's sole expense, to the

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

27. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for the urbanization of Hamilton Drive from the existing terminus (fronting 445 Hamilton Drive) to the northern limit of the subject draft plan lands (up to the Highway 403 bridge). All work shall be completed to the satisfaction of the Director of Growth Management and the Chief Development Engineer.
28. 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., on existing Braithwaite Avenue and Hamilton Drive at the owner's sole expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
29. That, **prior to servicing**, the owner agrees to include provisions for installation of a sump pump completed with a secondary relief/overflow for each lot within the draft plan lands, to the satisfaction of the Director of 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 a 1.5 metre high black vinyl coated heavy-duty chain-link fence in the following locations, all, to the satisfaction of the Director of Growth Management and Chief Development Engineer:
  - i. along the south property line of the proposed stormwater management pond;
  - ii. along the property line between Lot 17 and the proposed stormwater management pond; and,
  - iii. along the West property line of Lots 1 and 12.
31. 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 Braithwaite Avenue extension, and Hamilton Drive from the north limit of the subject draft plan lands to connect to the downstream existing urbanized road section, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
32. That, **prior to servicing**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, and in accordance with City guidelines, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house 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, all, to the satisfaction of the Director of Growth Management and Chief Development Engineer:

- i. an aquifer is breached during excavation;
  - ii. groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
  - iii. sump pumps are found to be continuously running; and,
  - iv. water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted.
33. That, **prior to servicing**, the owner agrees to implement the recommendations of the final approved geotechnical engineering report, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
34. That, **prior to servicing**, the owner acknowledges and agrees that the servicing of the draft plan lands shall not commence until the stormwater management (SWM) facility is completed and operational, as per the design approved by the City of Hamilton, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
35. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules provisions for the proposed stormwater management (SWM) facility (in Block 18) to accommodate the subject development, including all applicable external lands, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
36. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, a landscape design of the Stormwater Management Facility as per City of Hamilton Landscape Design Guidelines for stormwater management facilities (May 2009) for the proposed stormwater management (SWM) facility (in Block 18) to accommodate the subject development, including all applicable external lands, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
37. 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 cost, all to the satisfaction of the Director of 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 costs of the following items all to the satisfaction of the Director of Growth Management and Chief Development Engineer:
- i. Removal of the existing temporary turning circles at the west end of the existing Braithwaite Avenue, including re-grading and road surface;
  - ii. Restoration of existing driveways on Braithwaite Avenue, if required; and,
  - iii. Restoration of the disturbed area of the existing Braithwaite Avenue due to the removal and replacement of the existing storm sewer from the east limit of the subject land to the proposed outlet structure downstream at the existing Creek and Marshall Estates stormwater management facility.
39. That **prior to servicing**, the owner agrees that the road geometric design of the proposed Braithwaite Avenue extension shall align with the existing centerline, street line, pavement edges, sidewalk, and boulevard width of the existing Braithwaite Avenue to the east, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

### **Growth Planning**

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

### **Planning**

41. That, **prior to registration of the final plan of subdivision**, the owner shall prepare and submit an Urban Design Guidelines Report and Architectural Control strategy, scoped to the residential use proposed in this application, shall be provided for review and approval, to the satisfaction of the Director of Heritage and Urban Design.

Terms of reference for this type of report are available online:

<https://www.hamilton.ca/develop-property/policies-guidelines/guidelines-urban-design-reports>

42. That, **prior to registration of the plan of subdivision**, the owner establish temporary protective fencing along the southern limits of the revised Project Location during construction activities, to the satisfaction of the Director of Heritage and Urban Design. The location of the fencing will be agreed upon by City staff, the proponent, and a registered archaeologist. The applicant should also submit photographs of the fencing and a letter from a registered professional archaeologist confirming the installation of fencing and authorizing the work.

43. That, **prior to grading and servicing**, the owner shall confirm the location of the bat boxes to the satisfaction of the Director of Heritage and Urban Design.
44. That, **prior to registration of the plan of subdivision**, the owner shall implement bat boxes, as outlined within the GeoProcess Research Associates October 2023, Environmental Impact Statement, to the satisfaction of the Director of Heritage and Urban Design.
45. That, **prior to grading and servicing**, the owner shall prepare and implement a Transplant Plan for the Common Hop Tree to the satisfaction of the Director of Heritage and Urban Design.
  - a) The Transplant Plan will outline the following:
    - i. Methodology;
    - ii. Timing of re-location;
    - iii. GPS coordinates and mapping of location of species; and,
    - iv. GPS coordinates and mapping of the “donor” site.
  - b) Once the species has been transplanted, a written letter from a qualified botanist is to be submitted to the City of Hamilton.
  - c) Monitoring Plan: Monitoring of the health of the transplanted species is to occur for a period of two years. Two monitoring reports are required to be submitted (1<sup>st</sup> report to be submitted by December 31 after the first full year of monitoring; 2<sup>nd</sup> report to be submitted by December 31 after second year of monitoring).
46. That, **prior to grading and servicing**, the owner shall prepare a revised Tree Protection Plan to the satisfaction of the Director of Heritage and Urban Design. Removal of trees is not to occur until this condition has been satisfied.
  - a) Prior to the approval of the Tree Protection Plan, permission to remove trees from the adjacent property is to be provided.
  - b) A Verification of Tree Protection Letter, prepared by a recognized tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) is to be provided. This is to confirm that all tree protection measures have been installed in accordance with the approved Tree Protection Plan.
47. That, **prior grading and servicing**, the owner is to be aware of the *Migratory Birds Convention Act, 1994* and the *Endangered Species Act, 2007* and agrees that the removal of any vegetation on the subject lands is to occur during October

1 to March 31 by placing notations relating to breeding birds and bat roosting habitat on the Tree Protection Plan (TPP):

- a) Birds: In the event that vegetation removal is proposed during the restricted breeding period, the owner shall have a qualified biologist conduct a nest search of the vegetated area with the City of Hamilton Natural Heritage Planning staff prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity of the removal area, to the satisfaction of the Director of Heritage and Urban Design.
  - b) Bats: In the event that vegetation removal is proposed during the restricted bat roosting period, the owner shall contact the Ministry of Environment, Conservation, and Parks (MECP) to determine the permitting requirements.
48. That, **prior to grading and servicing**, the owner provide a Butternut Health Assessment and any correspondence from the Ministry of the Environment, Conservation and Parks, to the satisfaction of the Director of Heritage and Urban Design.
49. 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, completed in accordance with the Tree Protection Plan to the satisfaction of the Director of Heritage and Urban Design. The Planting Plan will prioritize native species. Native species are to be provided from a native seed source (within a 250 kilometre radius).
50. That, **prior to registration of the plan of subdivision**, the owner shall prepare and implement Stewardship Initiatives, including a Stewardship Brochure that describes the importance of the adjacent Significant Woodlot and trees as well as how the homeowner can minimize their impact on these features, to the satisfaction of the Director of Heritage and Urban Design. This Plan will include the installation of two bat rocket boxes and long-term monitoring requirements.
51. That, **prior to registration of the plan of subdivision**, the owner shall provide cash-in-lieu for any compensation trees that cannot be planted on site to the satisfaction of the Director of Heritage and Urban Design. The cash-in-lieu rate will be based on the Forestry Department's User Fee rate at the time of submission.
52. That, **prior to registration of the plan of subdivision**, the owner agrees to implement the noise attenuation measures identified in the Environmental Noise Assessment Report titled "387-409 Hamilton Drive" and dated November, 2020, revised November, 2022, including a 3.0 metre to 4.5 metre high noise attenuation barrier in accordance with the Ministry of the Environment, Conservation and Park's noise criteria, constructed on the proposed berm on the

approved Grading Plan prepared by S. Llewellyn & Associates Limited, in the rear yards of Lots 1 through 11, to the satisfaction of the Director of Development Planning.

53. That, **prior to registration of the plan of subdivision**, the owner agrees to submit the proposed floor plans for Lots 1 to 11, including but not limited to, exterior building components such as windows, exterior doors and walls to ensure they provide an adequate Sound Transmission Class (STC) rating to attenuate the outdoor noise levels to achieve an indoor noise level as per the Ministry of the Environment, Conservation and Park's noise criteria, to the satisfaction of the Director of Development Planning.

54. That, **prior to registration of the plan of subdivision**, the owner agrees to include the following warning clauses for Lots 1 to 11 in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Development Planning:

Warning Clause "A":

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Park's noise criteria."

55. That, **prior to registration of the plan of subdivision**, the owner agrees to the installation of a heating system including central air conditioning for Lots 1 to 17 to allow residents to leave exterior doors and windows closed in addition to including the following warning clauses for Lots 1 to 17 in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Development Planning:

Warning Clause "D":

"This dwelling unit has been supplied with a central air conditioning system which 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 Environment, Conservation and Parks."

56. That, **prior to registration of the plan of subdivision**, the owner agrees to include the following warning clauses in all purchase and sale and / or lease agreements, and registered on title to the satisfaction of the Director of Development Planning:

a) Purchasers / tenants are advised that Lots 1 through 17 on the Draft Plan of Subdivision, in Appendix C attached to Report PED25036, are dually zoned Low Density Residential (R1, 930) Zone and Conservation/Hazard Land (P5, 932) Zone. Development shall occur in accordance with the regulations of the

respective zones, which prohibits development within the Conservation/Hazard Land (P5, 932) Zone.

- b) Purchasers / tenants are advised that Lots 1 through 17 on the Draft Plan of Subdivision, in Appendix C attached to Report PED25036, have rear yard restrictions that will limit the potential for the development of accessory structures, such as pools, sheds and buildings.
  - c) Purchasers / tenants are advised that to ensure the City of Hamilton's Urban Forestry Strategy is achieved, all pools, sheds and accessory structures that would require a building permit are prohibited in the portion of the rear yards zoned Conservation/Hazard Land (P5, 932) Zone, as identified in Appendix A attached to Report PED25036.
  - d) Purchasers / tenants are advised that there is an approved grading plan and that the purchasers / tenants agree not to alter the approved grading plan without approval from the City of Hamilton.
  - e) Purchasers / tenants are advised that trees are regulated under the Urban Woodland Conservation By-law (By-law No. 14-212) and the Town of Ancaster By-law (By-law No. 2000-118). There is to be no tree removal without written consent from the City of Hamilton.
57. That, **prior to registration of the plan of subdivision**, the owner agrees to include the following warning clauses in all purchase and sale and / or lease agreements, and registered on title, to the satisfaction of the Director of Planning and Chief Planner:
- a) Purchasers / tenants will be provided a Stewardship Brochure that describes the importance of the adjacent Significant Woodland as well as surrounding trees and how the resident can minimize their impact on this feature.
58. That, **prior to registration of the plan of subdivision**, the owner agrees to provide a Letter of Credit or Surety Bond for the replacement and relocation of trees, in accordance with the approved Landscape Plan, prepared by a certified Landscape Architect, to the satisfaction of the Director of Environmental Services and Director of Growth Management:
- a) To provide cost estimates for 100% of the total cost of all tree relocation and replacement to be done by the Owner. Such cost estimates shall be in a form satisfactory to the Director of Environmental Services; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.

- b) Calculate the lump sum payment for all tree relocation and replacement using the City's Letter of Credit Policy or Surety Bond Policy.
- c) To provide an irrevocable Letter of Credit or Surety Bond to the Director of Growth Management for 75% of the total cost of all tree relocation and replacement in a form satisfactory to Finance (Development Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the tree relocation and replacement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 57. b) above.

- d) The Letter of Credit or Surety Bond shall be kept in force until the completion of the required tree relocation and replacement in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy or Surety Bond Policy. If the Letter of Credit or Surety Bond is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit or Surety Bond forthwith.
- e) In the event that the Owner fails to complete, the required tree relocation and replacement in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit or Surety Bond. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit or Surety Bond. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the *Municipal Act*) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

### **Urban Forestry**

- 59. That, **prior to preliminary grading**, the owner shall submit a revised Tree Management Plan which addresses potential conflicts with City owned trees, to the satisfaction of the Director of Environmental Services.
- 60. That, **prior to preliminary grading**, the owner shall submit any applicable fees for any municipal trees related to the subdivision, to the satisfaction of the Director of Environmental Services.

61. That, **prior to preliminary grading**, the owner shall submit a revised Landscape Plan illustrating the street tree planting scheme (one tree per lot, three trees per corner lot) and the stormwater management block (Block 18), to the satisfaction of the Director of Environmental Services.

### **Ministry of Transportation**

62. That, **prior to final approval**, the owner shall submit for review and approval a stormwater management report indicating the intended treatment of the calculated runoff, to the satisfaction of the Ministry of Transportation.
63. That, **prior to final approval**, the owner shall submit for review and approval, detailed grading, servicing, and internal road construction plans, to the satisfaction of the Ministry of Transportation.

### **Bell Canada**

64. 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, to the satisfaction of Bell Canada.

### **Canada Post**

65. That, **prior to registration of the final plan of subdivision**, the owner shall include in all offers of purchase and sale and/or lease or rental agreements, a statement that advises the prospective purchaser, to the satisfaction of Canada Post:
- a) that the home/ business mail delivery will be from a designated Centralized Mail Box; and,
  - b) that the owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
66. That, **prior to registration of the final plan of subdivision**, the owner agrees to complete the following, to the satisfaction of Canada Post:
- c) 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;

- d) 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;
- e) 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;
- f) 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,
- g) maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

### **Enbridge Gas Inc.**

67. That, **prior to registration of the final plan of subdivision**, the owner agrees to provide Enbridge Gas Inc. with necessary easements and/or agreements required for the provision of gas services, to the satisfaction of Enbridge Gas Inc.

### **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.
2. Stormwater Management Reports must adhere to accepted Ministry policies/standards and must be signed and stamped by the Drainage Engineer. Stormwater submissions must be provided in paper and electronic form (thumb drive).
3. Any identified highway improvements will require the owner to enter into a legal agreement with Ministry of Transportation whereby the owner agrees to assume financial responsibility for all necessary associated highway improvements.
4. Clearance of Ministry of Transportation Conditions

The contact for all Ministry conditions of approval, including the submission and approval of all required reports, plans, and agreements, etc. is:

Mr. Ted Lagakos  
Senior Project Manager  
Highway Corridor Management Section – Central Operations  
Ministry of Transportation  
7th Floor, Building D, 159 Sir William Hearst



Downsview, ON, M3M 0B7  
Phone No: (416) 235-3593  
Email: [ted.lagakos@ontario.ca](mailto:ted.lagakos@ontario.ca)

At this time, all ministry submissions should be provided in electronic form. Please make the applicant aware that the Ministry does not clear individual conditions. The ministry issues a single "Clearance Letter" once all plan conditions have been addressed to our satisfaction.

5. Ministry of Transportation Building and Land Use permits will be required for individual building lots within 395 metres from the centre point of Highway 403 and Hamilton Drive and 45 metres from all ministry property limits. Ministry permits are required prior to any on site grading being undertaken. Sign permits are required for signing within 400 metres of Highway 403.

Permit inquiries may be directed to:

Ms. Alexandra Boucetta  
Corridor Management Officer  
Phone No: (416) 235-3883  
Email: [alexandra.boucetta@ontario.ca](mailto:alexandra.boucetta@ontario.ca)

Highway Corridor Management System (HCMS)  
<https://www.hcms.mto.gov.on.ca/>

6. 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.