

Special Conditions for Draft Plan of Subdivision Approval for 25T- 202108

That this approval apply to the Draft Plan of Subdivision “Forest Breeze Estates” certified by S.D. McLaren, O.L.S., last revised on February 4, 2025, and signed by the surveyor on February 7, 2025, consisting of 42 lots for single detached dwellings (Lots 1 to 42), two road reserve blocks (Blocks 43 and 44), four right-of-way widening blocks (Blocks 45 to 48), and two extensions of public rights-of-way (“Spring Meadow Grove” and “Forest Breeze Path”), be received and endorsed by City Council with the following special conditions:

Development Engineering:

1. That, **the owner shall agree in the Subdivision Agreement**, to include in all the agreements of purchase and sale and/or lease of residential units to the satisfaction of the Director of Growth Management and Chief Development Engineer, the following warning clauses:
 - a) “On-street, public parking in the surrounding neighbourhood will be limited and cannot be guaranteed in perpetuity. Garage space for each single detached dwelling is provided and intended for the purposes of parking one vehicle. The size of the driveway is further restricted to a maximum width of 3.0 metres and curb cuts for double-car garages will not be granted by the City of Hamilton for lots 21 to 42 to facilitate the minimum 40% parking requirements as per City Standards. It is the homeowner’s responsibility to ensure that their parking needs can be accommodated.”; and,
 - b) “All purchasers are advised that the temporary turning circles located at the easterly terminus of Spring Meadow Grove will be removed, and the roads will be extended with the development of the adjacent lands to the east.”
2. That, **prior to registration of the final plan of subdivision**, the owner agrees to transfer to the City and designate as public highway, temporary turning circles at the easterly and westerly terminus of Spring Meadow Grove, to be illustrated as separate blocks on the final plan of subdivision on lots 17 to 20, and 39 to 42, respectively. The separate blocks shall be returned to the owner upon the extension of the road on the adjacent lands, all costs associated with the transfer will be at the owner’s expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
3. That, **prior to registration of the final plan of subdivision**, the owner agrees that Blocks 45, 46, 47 and 48 which includes the road widening block for the municipal address 204 Rymal Road West be dedicated to the City of Hamilton as public highway, by the Owner’s Certificate on the final plan of the subdivision for road widening on Rymal Road West, to establish 18.29 meters (60 feet) from

the center line of the original road allowance, 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 the necessary transfer deeds to the City's Legal Services to convey a 0.3 metre wide reserve at the following locations:

- a) East limit of Spring Meadow Grove (Block 44); and,
- b) West limit of Spring Meadow Grove (Block 43).

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 that the subject development cannot proceed until a second public road access is provided to service the subject draft plan lands, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

6. That, **prior to registration of the final plan of subdivision**, the owner pay the proportionate fair share cash payment of \$50,000 to the City of Hamilton for the following:

- a) The ongoing operation and maintenance of the existing Stormwater Management Pond on William Connell Park during and after construction; and,
- b) Carry out a monitoring program and evaluate the performance of both stormwater management facilities (William Connell Park Pond and Mewburn Pond) for a minimum of five (5) years,

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

7. That, **prior to registration of the final plan of subdivision**, the owner agrees to perform all required Winter Maintenance activities on all Public Highways 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 15th of each year, provided the following criteria are satisfied:

- a) Sites are easily accessible;

- b) Roads are free of all construction debris and have at least the base course asphalt completed;
- c) Trucks shall be able to enter and exit without backing up; and,
- d) Utility chambers are ramped at a minimum 2 metres from each chamber or set to grade,

to the satisfaction of the Manager of Roadway Maintenance.

- 8. 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, to the satisfaction of the Manager of Waste Collection.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. That, **prior to preliminary grading**, the owner shall agree that the subject development cannot proceed until such time that secondary access roads and the construction of adequate downstream services including, sanitary and storm sewers outlet, watermain, and overland flow route are available to service the subject draft plan lands, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

13. That, **prior to preliminary grading**, the owner agrees to include in the design and cost estimates schedule provisions for the installation and removal of the temporary turning circles at the easterly and westerly terminus of Spring Meadow Grove on lots 17 to 20, and 39 to 42, respectively, at the Owner's expense, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Manager of Transportation Planning.
14. That, **prior to preliminary grading**, the owner agrees to provide an adequate drainage outlet for the overland flow from the adjacent lands to the lands fronting Rymal Road West, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
15. 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 of Growth Management and Chief Development Engineer.
16. That, **prior to preliminary grading**, the owner agrees to submit a Stormwater Management Report, prepared by a qualified professional engineer, to confirm how stormwater management (stormwater quantity and quality) will be handled at the subject site by demonstrating a suitable major system (emergency overland flow route) and minor system outlet from the subject site through the future Eden Park Phase 2 (approved draft plan No.: 25T-200721) development to the existing William Connell Park stormwater management pond. In addition, the owner agrees that the subject site shall remain undevelopable until minor system and major system outlet/emergency overland flow route (to the north towards William Connell Park stormwater management pond) through Forest Breeze Path has been constructed under Eden Park Phase 2 development and available at the limit of the subject site, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
17. That, **prior to preliminary grading**, the owner shall obtain the necessary permission/consent from the adjacent landowners of the surrounding lands, in order 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.
18. That, **prior to preliminary grading**, the owner agrees that the combined side yard setback shall be a minimum of 2.0 metres between foundation walls where back-to-front drainage is proposed, or an emergency overland flow route is

identified on the approved grading, to the satisfaction of the Director of Growth Management and Chief Development Engineer.

19. That, **prior to preliminary grading**, 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.
20. That, **prior to preliminary grading**, 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:
 - 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;to the satisfaction of the Director of Growth Management and Chief Development Engineer.
21. 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, and the Director of Growth Management and Chief Development Engineer.
22. That, **prior to servicing**, the owner agrees to provide an updated Functional Servicing Report including the revised site plan and the detailed engineering design, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
23. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for the installation of the watermain, storm and sanitary sewer laterals for future Lots 17 to 20, and Lots 39 to 42, 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 the installation of 1.5 metre wide concrete sidewalks along both sides of Spring Meadow Grove and the west side of Forest Breeze Path, 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 the installation of 1.5 metre wide temporary asphalt sidewalks along the temporary turning circles at the east limit of Spring Meadow Grove, to the satisfaction of the Director of Growth Management and Chief Development Engineer.
26. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedule provisions for the construction of Spring Meadow Grove (20.0 metre right-of-way) from the east limit to the West limit of the draft plan lands, and Forest Breeze Path (18.0 metre right-of-way) from Spring Meadow Grove to the north limit of draft plan lands, including the municipal services (sanitary, storm sewer and watermain), to the satisfaction of the Director of Growth Management and Chief Development Engineer.
27. 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 of Growth Management and Chief Development Engineer.
28. That, **prior to servicing**, the owner agrees to include in the engineering design and cost estimate schedules temporary pavement marking and signage plans for all internal streets of the subdivision including, stop signs, stop bars, pedestrian crossings, etc. upon placement of base course asphalt, entirely at the Owner's costs, all to the satisfaction of the Director of Growth Management and Chief Development Engineer.
29. That, **prior to registration of the final plan of subdivision**, the owner dedicate 18 metre wide Right-of-Way from the existing Forest Breeze Path and 20 metre wide Right-of-Way for Spring Meadow Grove 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.
30. That, **prior to registration of the final plan of subdivision**, the owner dedicate two 4.57 metre by 4.57 metre daylight triangles at the intersection of the Forest Breeze Path and Spring Meadow Grove 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.

Growth Planning

31. That, **prior to registration of the final draft 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.

Transportation Planning

32. That, **prior to servicing**, the Owner shall agree that the subject development cannot proceed until a second public road access is provided to service both the subject draft plan lands and Eden Park Subdivision Phase 2 (approved draft plan no: 25T-200721) to the north. A second public road access is required, prior to development, beyond one hundred residential units to the satisfaction of the Manager of Transportation Planning.
33. That, **prior to registration of the final plan of subdivision**, the Owner acknowledges that the plan cannot be registered until such time as the 0.3 metre reserves located at the western end of Spring Meadow Grove (Block 43) and eastern end of Spring Meadow Grove (Block 44), until such time as the supporting road network has been constructed, opened as a public highway, to the satisfaction of the Manager of Transportation Planning.
34. That, **prior to registration of the final plan of subdivision**, the owner shall dedicate a right-of-way dedication of approximately 5.0 metres along Rymal Road West identified as blocks 45, 46, 47 and 48 on Draft Plan of Subdivision "Forest Breeze Estates" certified by S.D. McLaren, O.L.S., dated February 23, 2024, to the satisfaction of the Manager of Transportation Planning.

Development Planning

35. That, **prior to preliminary grading or servicing**, the owner shall submit a revised Tree Protection Plan 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 Development Planning.
36. That, **prior to registration of the final 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 and provide financial compensation for any trees that cannot be replaced on site, to the satisfaction of the Director of Development Planning.

37. 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 with a minimum of 0.8 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.
38. That, **prior to registration of the final plan of subdivision**, the owner shall submit and receive approval of a detailed Noise Study Addendum to the Environmental Noise Impact Assessment, completed by DBA Acoustical Consultants Inc. dated February 2021. The Addendum must be prepared by a qualified Professional Engineer, and in accordance with the City's guidelines for noise studies, to investigate the noise levels on the site, determine and implement any noise control measures including any noise fencing or berms that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits and confirm Sound Transmission Class (STC) requirements based on floor plans and exterior wall design, to the satisfaction of the Director of Development Planning. Any Noise Mitigation measures will need to be registered on title and included on any grading plans and applicable engineering drawings as part of final approved Draft Plan of Subdivision.

Should a peer review of the Noise Study be warranted, all associated costs shall be borne by the Owner and shall be submitted in addition to any required securities relating to any required noise barrier fencing or berms, to the satisfaction of the Director of Development Planning. If no noise barrier is required, then a revised noise study will need to confirm that the site can meet the recommended sound level limits from the Ministry of Environment, Conservation and Parks.

39. That, **prior to registration of the final plan of subdivision**, the owner agrees to include the following warning clauses for Lots 1 to 42 in all purchase and sale and / or lease agreements, and registered on title, to the satisfaction of the Director of Development Planning:

a) 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's noise criteria."

b) Warning Clause "C":

"This dwelling unit had been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning."

Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment' noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

Urban Forestry

40. That, **prior to preliminary grading**, the owner shall submit a revised Tree Management Plan which addresses potential conflicts with City owned tree, to the satisfaction of the Director of Environmental Services.
41. 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.
42. That, **prior to preliminary grading**, the owner shall submit a revised Landscape Plan illustrating the street tree planting scheme, to the satisfaction of the Director of Environmental Services.

Hamilton Conservation Authority

43. That, **prior to preliminary grading**, the owner shall submit a revised Stormwater Management Report demonstrating that post-development drainage is maintained to the open watercourse located downstream of the site within William Connell Park, to the satisfaction of the Hamilton Conservation Authority.
44. That, **prior to preliminary grading**, the owner shall submit a detailed Erosion and Sediment Control Plan, to the satisfaction of the Hamilton Conservation Authority.
45. That, **prior to preliminary grading**, the owner shall submit a detailed Lot Grading, Servicing and Storm Drainage Plan, to the satisfaction of the Hamilton Conservation Authority.
46. That, **prior to preliminary grading**, the owner shall submit and obtain approval of a Hamilton Conservation Authority permit pursuant to the *Conservation Authorities Act* and *Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits)* for the alteration or enclosure of the headwater tributary, to the satisfaction of the Hamilton Conservation Authority.

Bell Canada

47. That, **prior to registration of the final 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

48. That, **prior to registration of the final plan of subdivision**, the owner shall include in all offers of purchase and sale and lease or rental agreements to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, 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 owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
49. That, **prior to registration of the final plan of subdivision**, to the satisfaction of the Director of Growth Management and Chief Development Engineer and Canada Post, 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.

50. That, **prior to registration of the final plan of subdivision**, Canada Post's multi-unit policy, which requires that the owner 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 the Director of Growth Management and Chief Development Engineer and Canada Post.

Enbridge Gas Inc.

51. 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 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 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 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.