



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: February 6, 2012	
SUBJECT/REPORT NO: Binbrook Road Tree Removal (PED12019) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Derek Sohail (905) 546-2424 Ext. 1353
SIGNATURE:	

RECOMMENDATION

That the existing trees within the Binbrook Road municipal allowance, as outlined in Appendix "A" attached to Report PED12019, be removed to facilitate the urbanization of Binbrook Road in accordance with the approved Class Environmental Assessment (EA).

EXECUTIVE SUMMARY

The purpose of this report is to request the approval for the removal of 49 good condition living trees (of a total of 204) that are located within the Binbrook municipal road allowance west of Bradley Avenue on the north side of Binbrook Road. An additional 16 trees are required to be removed on Binbrook Road between Bradley Avenue and Regional Road 56. The removal of these trees is necessary to implement the works required to complete the urbanization of Binbrook Road as recommended in the approved Class EA (Improvements to Binbrook Road and Regional Road 56) completed in October 2008. The tree removals in these locations enable the municipality to facilitate the construction of sidewalks in a safe location (removed from the edge of the curb) as specified in the approved Class EA.

The Class EA provides a number of recommendations to mitigate the potential environmental effects of this project. Many of the recommendations have been adopted in the detailed design for this project including adjustments to the sidewalk locations to save trees where possible. Mitigation measures required during construction will be stipulated in the contract documents and enforced accordingly.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial:

Funding for this contractual project which includes road reconstruction, new sidewalks, storm and sanitary sewers in addition to tree removal and planting is available in the following approved Capital Budget accounts: 4031080010, 5181080010, and 5161080010.

Staffing:

N/A

Legal:

Council approval is required for the removal of more than 25 trees in accordance with City of Hamilton Public Tree Removal Policy as referenced in the City of Hamilton Tree By-law 06-151.

HISTORICAL BACKGROUND

The proposed work on Binbrook Road is a part of the implementation of the works that were recommended in various studies completed for the Binbrook Community over the last 15 years.

In 2000, the Binbrook Village Secondary Plan was adopted by the City of Hamilton. The secondary plan set out the required policy framework for the growth of the village.

Subsequent to the adoption of this plan, the Binbrook Village Transportation Master Plan (TMP) was prepared and Council adopted this plan in 2004. The objectives of the Binbrook Village TMP was to examine transportation issues and attempt to balance urban design and traffic calming measures to develop a future network that would address future growth yet be compatible with the historic nature and character of the village. The main recommendation of the TMP was to accommodate most of the east west movements from new development on new community collector roads both north and south of Binbrook. This would allow Binbrook Road and Regional Road 56 to be maintained as two lane roads through the community and allow enhancements to focus on ancillary uses such as bike lanes, boulevards and sidewalks. The TMP satisfied the first two phases of the Class EA.

Following the adoption of the Transportation Master Plan for Binbrook Village, an Environmental Study Report (ESR) was developed to document phases 3 and 4 of the Municipal Class EA. This Class EA was approved by Council in late 2008 and the Notice of Study Completion was published in October 2008. The ESR documents the following phase 3 and 4 details for the improvements to Binbrook Road and Regional Road 56 and includes:

- A description of the environmental considerations and impacts;
- The generation and evaluation of alternative design concepts leading to the selection of preferred alternatives;
- A description of the consultation process and an explanation of how concerns raised by the public and review agencies have been addressed in developing the project; and,
- A description of the environmental mitigation measures which will be undertaken to minimize environmental effects and commitments to future work.

The analysis and evaluation of alternatives resulted in the selection of the preferred alternative.

The ESR identified that *“on the north side of Binbrook Road, clearing and grubbing will remove a narrow band of natural vegetation, including mature trees, from the edges of Unit 1 and Unit 2”* (woodlots adjacent to Binbrook Road). *“The creation of a new edge will likely result in further stress and decline of the southern border of Unit 1.”*

In support of this study, a tree inventory was carried out by Strybos Barron King Landscape Architects. The inventory was completed for the entire study area and documented all locations, species, type, size and condition of trees. The tree inventory was further reviewed by Ecoplans Ltd. for any effects to rare species (e.g. Butternut). No species of conservation concern were noted.

The ESR further reported that *“for the most part, herbaceous species that are currently present within the right-of-way will rapidly re-colonize the right-of-way following disturbance by construction. Woody vegetation will likely be restricted/controlled by right-of-way maintenance activity (e.g. mowing).”*

The environmental mitigation measures that were recommended in this ESR include the following:

- Minimize vegetation clearing to that necessary for the construction of the road improvements and maintenance of the right-of-way;
- Ensure a clear delineation of vegetation clearing zones and vegetation retention zones in both the Contract documents and in the field to minimize the risk of unnecessary vegetation effects and avoid incidental impacts as a result of temporary stockpiling, debris disposal and access;

- Identify the woodlot and associated wetland features as 'priority protection areas' (PPA) on Contract Drawings to restrict contractor activities in these areas;
- Ensure the use of appropriate vegetation clearing techniques (e.g. trees to be felled away from the retained natural areas);
- Design and install stringent erosion and sediment control measures and maintain throughout construction. This includes installing sediment and erosion control fencing along the edge of the required working area to protect the edges of all retained natural areas;
- Re-stabilize and re-vegetate exposed surfaces as soon as possible, using an appropriate seed mix from OPSS-572;
- Ensure proper containment and filtering of all construction-generated sediment (whether from dewatering or soil exposure from clearing and grubbing);
- Ensure appropriate clearing and disposal of all construction-related debris following construction;
- Employ proper handling of potentially toxic construction materials and ensure proper spills management; and,
- Implement environmental inspection during construction to ensure that protection measures are implemented, maintained and repaired and remedial measures are initiated where warranted.

In addition to protecting vegetation, which in turn protects the associated habitat functions, it is necessary to ensure the protection of breeding birds (in accordance with the *Migratory Birds Convention Act* [MBCA]) that may nest or otherwise use areas where construction is proposed. Measures are also identified for the general protection of all wildlife. Specifically, the contractor will:

- Ensure that timing constraints are applied to avoid vegetation clearing during the breeding bird season (May 1st to July 31st);
- If clearing cannot avoid the breeding bird season, then an avian biologist will be employed to conduct a nest survey in the area to be cleared. If active nests of migratory birds are located then a mitigation plan will be developed and approved by Environment Canada prior to clearing. This may involve delays to allow for fledging;
- Ensure that "inactive" nests (previous season nests, and nests where adult birds are not seen flying in and out) are removed at all culverts before construction;
- Ensure that no active nests will be removed/disturbed in accordance with the MBCA; and,

- Any wildlife incidentally encountered during construction will not be knowingly harmed.

In addition to the recommended environmental mitigation measures, the ESR identified a number of other mitigation measures notably the shifting of the future sidewalk to minimize tree impacts which has been accommodated in the detailed design.

The City initiated the Binbrook Road Reconstruction project in 2011 for implementation in 2012. The project is the initial phase of linear works recommended by the TMP and the Class EA and includes the urbanization of Binbrook Road with new sidewalks and street lighting, road reconstruction and installation of sanitary and storm sewers between Regional Road 56 and west of Royal Winter Drive. The project was tendered and awarded in the fall of 2011 and will commence in early spring 2012.

City Forestry staff have provided a condition review of the affected trees and is in agreement with the removal recommendations in this report.

POLICY IMPLICATIONS

Council approval for tree removal is being requested in accordance with the City's Public Tree Removal Policy as referenced in the City of Hamilton Tree By-law 06-151. Council approval is not required for the removal of the 153 dead and invasive trees that meet Forestry and Horticulture's criteria for removal.

The implementation of the recommendations aligns with various approved studies completed for the Binbrook Community over the last 15 years. The tree removals are to facilitate the urbanization of Binbrook Road in accordance with the approved Class EA.

RELEVANT CONSULTATION

The Ward Councillor has been consulted and is in agreement with the removal of the trees.

Forestry and Horticulture Section has been consulted in the preparation of this report.

Discussions have been held with Forestry staff with respect to the trees and bushes on the north side of Binbrook, west of Bradley Avenue. Staff have reviewed the tree inventory and condition report and have verified such on site. Forestry staff has recommended that efforts be made to keep two of the trees identified to be removed in the Class EA. The detailed design for the sidewalk has been modified to accommodate this request. Forestry staff also indicated concern about the stress that the new edge would cause to the existing trees beyond the municipal road allowance.

An Edge Protection Study is recommended to be completed following completion of the works on Binbrook Road. The Study will include a monitoring program that will help to limit the City's liability from dead and falling trees along the road's edge.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

- A Tree Edge Protection Study will be carried out to ensure that protection measures are implemented, maintained and repaired and remedial measures are initiated where warranted.
- Additional trees will be planted as per the tree planting plan which will be sent for review and approval to the Forestry and Horticulture Section.
- Mitigation measures recommended in the Class EA have been implemented during detailed design and construction recommendations will be implemented in the tender documents and environmental inspection will be implemented during construction.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The removal of trees on Binbrook Road is in accordance with the recommendations of the approved Class EA.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ A culture of excellence

Financial Sustainability

- ◆ Effective and sustainable Growth Management
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative and cost effective manner

Growing Our Economy

- ◆ Newly created or revitalized employment sites

Environmental Stewardship

- ◆ Natural resources are protected and enhanced

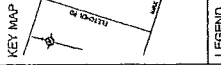
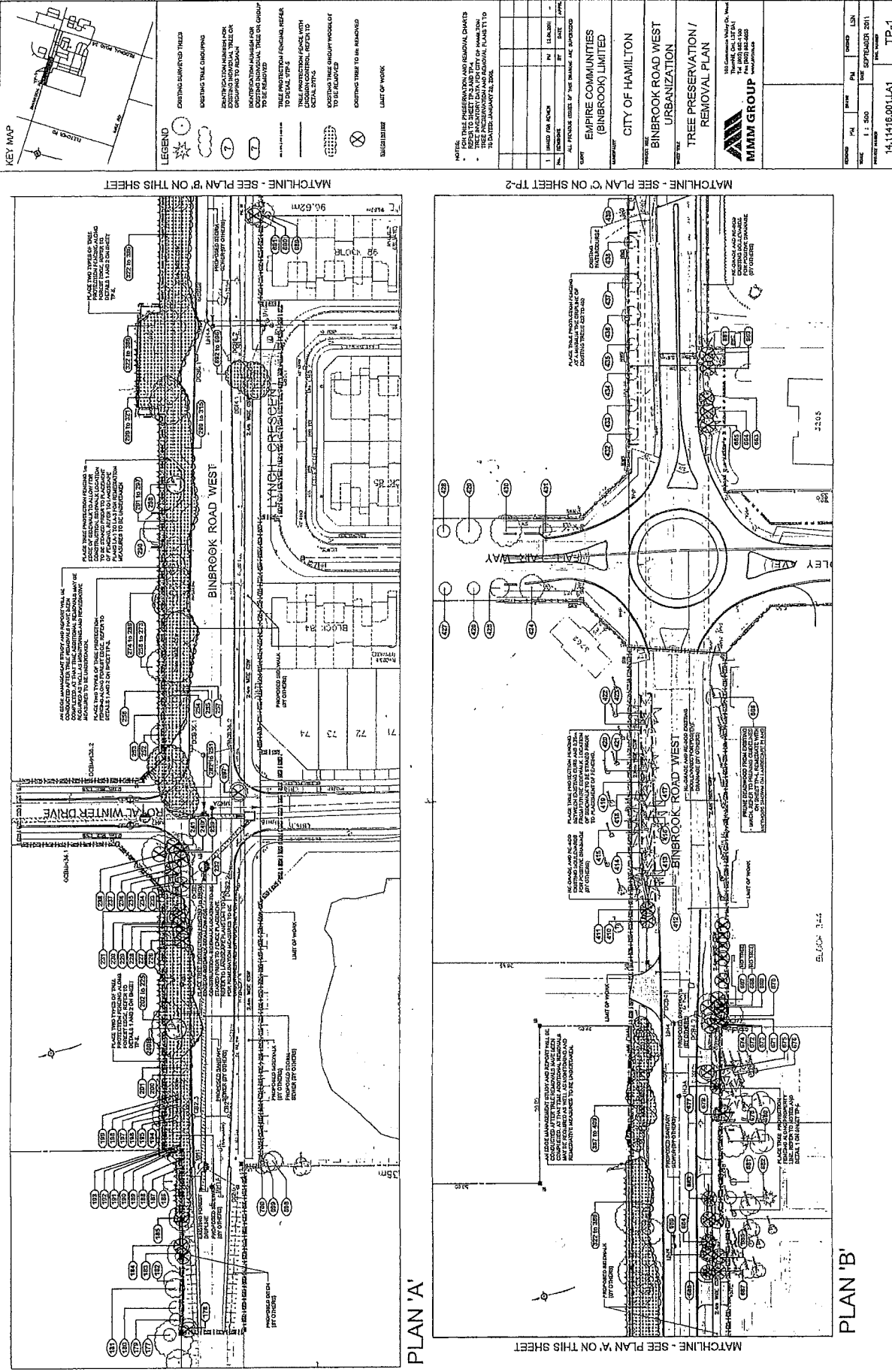
Healthy Community

- ◆ Plan and manage the built environment

APPENDICES / SCHEDULES

Appendix "A" to Report PED12019 - Tree Removal Plans (TP1 & TP2)

DS: ra
Attach. (2)



LEGEND

- EXISTING SURVIVED TREES
- EXISTING TREE GROUPING
- EXISTING TREE GROUPING TO BE REMOVED
- EXISTING TREE GROUPING TO BE PRESERVED
- EXISTING TREE GROUPING TO BE REMOVED
- EXISTING TREE GROUPING TO BE PRESERVED
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE PRESERVED
- LIMIT OF WORK

NOTES:

- 1. TREE PRESERVATION REMOVAL LIMITS REFER TO SHEET TP-2 AND TP-3.
- 2. TREE PRESERVATION REMOVAL LIMITS TO BE DETERMINED BY THE CITY OF HAMILTON.
- 3. ALL TREE GROUPS TO BE REMOVED TO BE PRESERVED.

NO.	DATE	BY	DESCRIPTION
1	09/01/11	MMRM	ISSUED FOR PERMIT
2	09/01/11	MMRM	ISSUED FOR PERMIT

CLIENT: EMPIRE COMMUNITIES (BINBROOK) LIMITED
CITY OF HAMILTON
PROJECT: BINBROOK ROAD WEST URBANIZATION
PLAN: TREE PRESERVATION / REMOVAL PLAN
DESIGNER: MMRM GROUP
100 GERRARD STREET EAST, SUITE 200
TORONTO, ONTARIO M4M 1B7
TEL: (416) 464-4444
WWW.MMRMGROUP.COM

SCALE:	1:500
DATE:	SEPTEMBER 2011
DRAWING NUMBER:	14.11416.001.LA1-TP-1

MATCHLINE - SEE PLAN 'B' ON THIS SHEET

MATCHLINE - SEE PLAN 'C' ON SHEET TP-2

PLAN 'A'

PLAN 'B'

MATCHLINE - SEE PLAN 'A' ON THIS SHEET

