TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: February 2, 2010

SUBJECT/REPORT NO:
Application for Approval of a Draft Plan of Subdivision, “465 Springbrook Avenue”, and Amendments to Zoning By-law No. 87-57, for Lands Located Within Part of Lot 50, Concession 3, Municipally Known as 465 Springbrook Avenue (Ancaster) (PED10026) (Ward 12)

SUBMITTED BY: Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY: Timothy Lee
(905) 546-2424, Ext.1249

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Amended Draft Plan of Subdivision Application 25T-200907, by Saddique Khan, Owner, to establish a Draft Plan of Subdivision, known as “465 Springbrook Avenue”, on lands located within Part of Lot 50, Concession 3, municipally known as 465 Springbrook Avenue (Ancaster), as shown on Appendices “A” and “B” to Report PED10026, subject to the following conditions:

(i) That this approval apply to “465 Springbrook Avenue”, prepared by L.G. Woods Surveying Inc., and certified by E.G. Salzer, OLS, dated January 11, 2010, showing ten lots (Lots 1-10) for single detached dwellings, six blocks (Blocks 11-14, 19, and 20) for future residential development, three blocks (Blocks 15-17) for 0.3 metre reserves along Springbrook Avenue, and the extension of one street (Fair Street), attached as Appendix “B” to Report PED10026, subject to the Owner entering into a Standard Form
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “465 Springbrook Avenue”, and Amendments to Zoning By-law No. 87-57, for Lands Located Within Part of Lot 50, Concession 3, Municipally Known as 465 Springbrook Avenue (Ancaster) (PED10026) (Ward 12)

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Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D”.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development.

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1-10) and blocks within this plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-09-027, by Saddique Khan, Owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4-605” Zone, Modified (Block 1), with a Special Exception; to the Residential “R4-606” Zone, Modified (Block 2), with a Special Exception; and to the Residential “R4-563” Zone, Modified (Block 3), with a Special Exception, as shown on Appendix “A” to Report PED10026, for lands located at 465 Springbrook Drive (Ancaster), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10026, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “B” of Zoning By-law No. 87-57; and,

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Ancaster Meadowlands Neighbourhood IV Secondary Plan.

EXECUTIVE SUMMARY

The purpose of the applications is to amend the Town of Ancaster Zoning By-law and receive approval of an amended Draft Plan of Subdivision known as “465 Springbrook Avenue” (see Appendix “B”). The proposal will permit the development of the subject lands for ten lots for single detached dwellings, six blocks for future residential development, one block for the construction of a temporary turning circle, three blocks

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for 0.3m reserves along Springbrook Avenue, and the extension of one street (Fair Street). It should be noted that:

- Blocks 11 and 12 of the amended Draft Plan are to be developed in conjunction with Blocks 108 and 97, respectively, of Registered Plan 62M-1116;

- Blocks 13 and 14 of the amended Draft Plan are to be developed in conjunction with Block 102 of Registered Plan 62M-1116 and 455 Springbrook Avenue; and,

- Block 19 of the amended Draft Plan will be used as part of the temporary turning circle for Fair Street. Block 20 of the amended Draft Plan will remain a remnant parcel until Block 19 will no longer be required as part of the turning circle for Fair Street, when both Blocks 19 and 20 can then be developed together to form one residential lot.

The proposal has merit and can be supported as the Zoning By-law Amendment and the draft Plan of Subdivision are consistent with the Provincial Policy Statement and Places to Grow Plan, and conform to the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan, and the Meadowlands Neighbourhood IV Secondary Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the surrounding area; in particular, the new development located to the north of the subject property.

 Alternatives for Consideration - See Page 19

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment and a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

The subject property is approximately 0.769 hectares (1.9 acres) in area, and is located on the east side of Springbrook Avenue, and north of Garner Road East. Lands to the north of the subject property include established low density residential uses, and a proposed low density residential development to be built as part of “Meadowlands -
Phase 10". To the east of the subject property is a Hydro One transmission corridor and agricultural uses, and there are existing low density residential uses to the south and west of the subject property.

The applicant submitted a Draft Plan of Subdivision application where the original plan was to establish twelve lots to permit the construction of twelve single detached dwellings fronting onto Springbrook Avenue and along the extension of Fair Street (see Appendix “F”). The Draft Plan of Subdivision was amended in December 2009 (see Appendix “B”), to add a temporary turning circle at the end of the Fair Street extension and, as a result, Lot 8 of the original draft plan of subdivision has been revised to Blocks 19 and 20 to accommodate the temporary turning circle. The lot line was readjusted for Block 15 of the original draft plan of subdivision, and was renumbered to Block 14. Finally, Lot 7 has been revised to Block 13, and will be developed when Block 102 of Registered Plan of Subdivision 62M-1116 and the rear of 455 Springbrook Avenue will be developed for residential purposes. In summary, the draft Plan of Subdivision, as amended, includes the following:

- 10 Single Detached Dwelling Units (Lots 1 to 10);
- 6 blocks for future residential development (Blocks 11, 12, 13, 14, 19, and 20);
- 0.3 metre reserves along Springbrook Avenue (Blocks 15-17) will be conveyed to the City of Hamilton to prevent the development of Lots 1-3 until infrastructure improvements have been completed along Springbrook Avenue; and,
- A 0.3 metre reserve will be conveyed to the City of Hamilton at the terminus of the Fair Street extension (Block 18).

Blocks 11 and 12 will be developed in conjunction with Blocks 97 and 108, respectively, and Blocks 13 and 14 will be developed in conjunction with Block 102 of Registered Plan of Subdivision 62M-1116.

The applicant also submitted a Zoning By-law Amendment application to facilitate the development of the draft Plan of Subdivision in order to permit the construction of single detached dwellings. The Zoning By-law will require site-specific amendments to the Residential “R4” Zone to facilitate the development of single detached dwellings.

With respect to Lots 1 to 3 (shown as Block 1 on Appendix “C”), the following modifications to the Residential “R4” Zone have been requested:

- Increase the maximum lot coverage from 35% to 45%;
- Reduce the minimum front yard from 7.5 metres to 6.0 metres; and,
- Reduce the minimum side yard from 1.2 metres to 0.6 metres for one side yard where there is an attached garage or carport, and maintain 1.2 metres for the other side yard.

With respect to Lots 4 to 6 and Blocks 13 and 14 (shown as Block 2 on Appendix “C”), the following modifications to the Residential “R4” Zone have been requested:

- Reduce the minimum lot area from 400 square metres to 375 square metres;
- Reduce the minimum lot frontage from 12 metres to 11.3 metres;
- Increase the maximum lot coverage from 35% to 45%;
- Reduce the minimum front yard from 7.5 metres to 3.0 metres to the dwelling, and 6.0 metres to a garage; and,
- Reduce the minimum side yard from 1.2 metres to 0.6 metres for one side yard where there is an attached garage or carport, and maintain 1.2 metres for the other side yard.

With respect to Lots 7 to 10 and Blocks 11, 12, and 18-20 (shown as Block 3 on Appendix “C”), the following modifications to the Residential “R4” Zone have been requested:

- Reduce the minimum lot area from 400 square metres to 375 square metres;
- Reduce the minimum lot frontage for a corner lot from 16 metres to 15 metres;
- Increase the maximum lot coverage from 35% to 45%;
- Reduce the minimum front yard from 7.5 metres to 3.0 metres to the dwelling and 6.0 metres to a garage; and,
- Permit an alcove and similar architectural feature to encroach into a minimum yard a distance of not more than 0.6 metres.
Details of Submitted Application

Location: 465 Springbrook Avenue  
Owner: Saddique Khan  
Applicant: A.J. Lakatos Planning Consultant  

Property Description:  
Frontage: 45.43m. (approx.)  
Lot Depth: 174.46m.  
Area: 0.77 ha.

EXISTING LAND USE AND ZONING:

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POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The applications are consistent with the policies that direct new growth to the built up areas, as per the Policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the intent to develop and create complete communities which provide for housing opportunities.

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Therefore, the applications are consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

**Provincial Policy Statement**

The application is consistent with the Provincial Policy Statement in that it focuses growth in settlement areas and implements Policies 1.1.1, 1.1.3.2, and 1.4.1, which speak to the provision of densities that efficiently use land and to provide a mix of housing types.

Policy 2.6.2 of the Provincial Policy Statement (PPS) outlines that development and site alterations shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted.

A Stage 1 and 2 Archaeological Report was submitted to the City of Hamilton and Ministry of Culture as part of the application submission. The report has been reviewed by Municipal Heritage Planning staff and the Ministry of Culture, who have no concerns. However, the Archaeological Report has not been signed off by the Ministry of Culture. A condition is included in the Standard Subdivision Agreement that will require sign off from the Ministry of Culture.

Therefore, the applications are consistent with the Provincial Policy Statement.

**Hamilton Wentworth Regional Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The proposed residential subdivision and changes in zoning conform to the policies of the Hamilton-Wentworth Official Plan.
Ancaster Official Plan

The subject lands are designated “Residential” on Schedule ‘B’, Land Use - Urban Area in the Town of Ancaster Official Plan and are located within the Meadowlands IV Secondary Plan area. The “Residential” designation permits the proposed residential uses, as identified in Section 4.4.1, which states:

“The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).”

The types of residential development that are permitted within the “Residential” designation is outlined in Section 4.4.2, and includes single detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing which are not to exceed three occupied storeys entirely above grade.

The proposed Draft Plan of Subdivision will provide for single detached dwellings, all of which will have a maximum height of 10.5 metres, as outlined in the zoning regulations of the implementing Zoning By-law. This can accommodate a dwelling with a maximum of three storeys.

Finally, Section 4.4.13 states that:

“In Residential areas, great care shall be taken to preserve mature vegetation growth. Existing trees will be preserved, wherever possible, and the planting of trees in new subdivisions shall be a requirement in any Subdivision Agreement. The preservation of vegetation and natural drainage patterns shall be an essential consideration in the design and layout of the road system in all development proposals.”

A Tree Preservation Plan was submitted as part of the original submission requirements for the applications, and had initially identified Butternut trees to be present on the subject property. After further investigation, it was found that several trees, including all trees that were initially identified as Butternut trees, were misidentified, and that there are no Butternut trees present. However, due to the maturity of several trees, the proposed development will provide for the preservation of mature vegetation. On the basis of the foregoing, the proposal conforms to the Ancaster Official Plan.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are designated “Low Density Residential” in the Meadowlands Neighbourhood IV Secondary Plan, which permits single detached dwellings, duplex, and semi-detached dwellings with a density of 1-30 units per net residential hectare.
These types of uses are to be generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads. The project density of the subdivision is approximately 20.5 units per hectare.

In addition, Section 6.8.7 outlines design policies where a number of design considerations should be undertaken to take advantage of the unique physical settings of the area and to create a visually and aesthetically distinct neighbourhood, namely:

“(e) Existing trees, significant vegetation and distinctive site views should be protected and preserved through sensitive subdivision design; and,

(f) Building and site design, setbacks, landscaping, screening and buffering techniques shall be applied to minimise potential conflicts between new and existing uses.”

The proposed Draft Plan of Subdivision provides for single detached dwellings, which is consistent with the density range of the “Low Density Residential” designation. In addition, the proposed lots are located at the interior of a residential neighbourhood adjacent to local and collector roads. Also, the proposed Draft Plan of Subdivision site design has allowed for the preservation of several existing mature trees to create distinctive site views, and to screen and buffer an existing established residential use to the north of the property that fronts on Springbrook Avenue. Staff is in the opinion that the proposed residential subdivision and changes in zoning conform to the policies of the Meadowlands Neighbourhood IV Secondary Plan.

**New Urban Hamilton Official Plan (Council Adopted)**

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province for approval, but is not yet in effect. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations of the New Urban Hamilton Official Plan. The following Policy Goals apply to the Neighbourhoods land use designation:

“E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.

E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, play.

E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods, while at the same time allowing their ongoing evolution.

E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.”

The proposed development on the subject lands would achieve the above Policy Goals as the proposed Draft Plan of Subdivision would contribute to the development of neighbourhoods that will be a complete community, while respecting the character of the existing neighbourhood and, at the same time, allow their ongoing evolution.

In addition, the proposed development satisfies the following General Policies for Residential Uses:

“E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.”

The proposed Draft Plan of Subdivision will be consistent to this policy as the proposed development will be located in the interior of a neighbourhood area.

The New Official Plan also contains policies from the Meadowlands Neighbourhood IV Secondary Plan. The subject lands are designated “Low Density Residential 2b”, which permits the proposed single detached dwellings, and meets the density range of 1 to 30 units per net residential hectare.

Based on the foregoing, the proposal would conform to the Neighbourhood and Residential policies of the New Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Corporate Services Department, Budgets and Finance Division.
- Public Works Department, Transit Planning Section.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Cogeco Cable Canada Inc.
Hamilton Municipal Parking System (Parking) - Parking staff has reviewed the application and has no concerns with the Zoning By-law Amendment and the Draft Plan of Subdivision applications. However, the applicant should ensure that all existing and future parking requirements are met on-site. The applicant should also ensure that on-site parking spaces and garages are suitably dimensioned, and that driveways are aligned in such a way that will maximize the availability of on-street parking by allowing a minimum of 6.5 metres of curb space between driveway approaches.

Public Works Department (Urban Forestry) - A Tree Preservation Plan was submitted as part of the complete application, and the report had initially identified nine trees as Butternut trees. As a result of the findings of the Plan, Urban Forestry had requested that copies of the Tree Preservation Plan and any other documents must be submitted to the Ministry of Natural Resources for review for final determination of the Butternut trees, that a Tree Planting Plan be submitted for review, and a condition be placed in the Subdivision Agreement which details the total number of trees planted and associated costs payable to Forestry and Horticulture.

However, after further investigation and an addendum submitted to staff, it was determined that there were no Butternut trees present on the subject lands, and any comments related to Butternut trees as it relates to submitting documentation to the Ministry of Natural Resources no longer apply. A condition to submit a Planting Plan or Landscape Plan has been requested, and the condition is included in the Standard Subdivision Agreement.

Public Works Department (Traffic Planning) - As a condition of Draft Plan Approval, it will be required that all driveways be located to the satisfaction of the Manager of Traffic Engineering and Operations. The driveway locations must be shown on approved engineering drawings submitted with the registered Subdivision Agreement. Traffic Planning has no further objections or concerns on the Zoning By-law Amendment.

Public Works Department (Strategic Planning) - The applicant is advised to follow any recommendations from the Ancaster Transportation Master Plan that is currently underway. In addition, the applicant should be aware of any recommendations from the Ancaster Storm Drainage Policies and Criteria, the Tiffany Creek Subwatershed Plan, and the Spencer Creek Watershed Plan.

Finally, recommendations of The City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans.
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Public Works Department (Environmental Planning) - Environmental Planning is presently undertaking an Environmental Assessment for Garner Road/Rymal Road. This study may impact the subject development such as road widenings. Details or any type of road widening are not known at this time.

Hydro One - Hydro One has no objections to the proposed development provided that standard conditions are included in a formal Subdivision Agreement as Conditions of Draft Approval (see Appendix “D” - Conditions 8 to 13), and the following should be added as a Note to the Conditions of Draft Approval:

• The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act requires that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors, it is 3 metres (10 feet). It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise or lower without warning, depending on the electrical demand placed on the line.

Bell - Bell has requested conditions to be included in the Draft Plan of Subdivision, which have been addressed under the Standard Subdivision Agreement; in particular, the Telecommunications Servicing Clause found under Section 2.6 of the Standard Subdivision Agreement.

Canada Post - Canada Post has requested to include the following special conditions and agreements:

The Owner shall complete, to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

(i) That the home/business mail delivery will be from a designated Centralized Mail Box.

(ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
b) The Owner further agrees to:

(i) 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.

This has been addressed by Special Condition 15 (see Appendix “D”).

All other conditions have been addressed under Section 1.22 of the Standard Form Subdivision Agreement.

Public Consultation

In accordance with Council’s Public Participation Policy, the application was circulated as part of the Notice of Complete Application to 49 residents within 120 metres of the subject lands on July 15, 2009. As a result of the pre-circulation, no letters were received expressing concerns on the applications.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through circulation to property owners within 120 metres of the subject lands. In addition, a Public Notice Sign was posted on the property in late July, 2009.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement and the Places to Grow Growth Plan.

   (ii) It conforms with and implements the “Urban” designation of the Hamilton-Wentworth Regional Official Plan.

   (iii) It conforms to the “Residential” designation of the Town of Ancaster Official Plan as the proposed residential uses are permitted in this designation.

   (iv) The proposed development implements the intent of the Meadowlands Neighbourhood IV Secondary Plan. The proposed residential use is consistent with the densities and urban form of the surrounding area.
2. The requested change in zoning for Block 1 from the Agricultural “A” Zone to the Residential “R4-605” Zone, Modified, is required to permit the construction of single detached dwellings within the “Low Density Residential” designation of the Meadowlands Neighbourhood IV Secondary Plan for Lots 1-3 of the Draft Plan of Subdivision (see Appendix “B”). The following are site-specific modifications to the zoning regulations with respect to lot coverage, front yard, and side yard.

Maximum Lot Coverage

The applicant has requested an increase in the maximum lot coverage from the permitted 35% to 45%. The requested increase in lot coverage maintains the intent of the Zoning By-law, and it will continue to allow for amenity space as there are appropriate setbacks that will accompany the By-law. In addition, the requested change in the maximum lot coverage is consistent with similar zoning changes in the surrounding neighbourhood to the north (i.e. Registered Plan of Subdivision 62M-1116).

Minimum Front Yard

The applicant has requested to reduce the minimum front yard setback from the required 7.5 metres to 6.0 metres. The request to reduce the minimum front yard is supportable as it will allow for adequate landscaping and amenity space in the front yard, and will allow parking in the driveway without encroaching into the road allowance. In addition, the reduction in the minimum front yard would provide for a more pleasing streetscape with the building footprint closer to the street.

Minimum Side Yard

The applicant has requested a modification to the minimum side yard, where an attached garage or carport is provided, one side yard shall have a minimum of 0.6 metres and the other side yard shall be 1.2 metres. The request in the reduction of the side yard setback for the interior side yard is to continue maintaining a proper separation of buildings, while providing further flexibility in the building footprint to allow for the protection of mature vegetation to the north and south ends of the lots. A reduction in the minimum side yard would continue to provide 1.8 metres between two single detached dwellings.

3. The requested change in zoning for Block 2 from the Agricultural “A” Zone to the Residential “R4-606” Zone, Modified, is required to permit the construction of single detached dwellings for Lots 4-6 and Block 13 of the Draft Plan of Subdivision (see Appendix “B”), as revised. Identical site-specific zoning
modifications from the Residential “R4-605” Zone, Modified, have been requested and include maximum lot coverage and minimum side yard as discussed above. Other site-specific zoning modifications include lot area, lot frontage, front yard, and alcoves to be permitted in the required yards.

Minimum Lot Area

The applicant has requested a reduction in the minimum lot area from the permitted 400 square metres to 375 square metres. The reduction in the minimum lot area will be consistent with other residential lots in the surrounding neighbourhood, in particular, Registered Subdivision 62M-1116 located immediately north of the subject lands.

Minimum Lot Frontage

A corresponding reduction in the minimum lot frontage from 12 metres to 11.30 metres has been requested by the applicant to reflect the requested reduction in the minimum lot area. A reduction of 0.7 metres is considered minor in nature and can be supported by staff.

Minimum Front Yard

The applicant has requested a reduction in the minimum front yard from the required 7.5 metres to 3.0 metres to the dwelling, and 6.0 metres to a garage. The requested zoning modification is consistent with established zoning for other residential lots in Registered Subdivision 62M-1116, located immediately north of the subject lands. The requested modification can be supported as the garage will be setback further from the street, and will not protrude beyond the front elevation of the dwelling. This will ensure the garage is less prominent in the streetscape.

Alcoves permitted in any minimum yard

The applicant has proposed to permit an alcove to project into any minimum yard a distance of not more than 60 centimetres. However, staff cannot support permitting an alcove or other similar architectural feature where the minimum side yard will be 0.6 metres. By allowing an alcove where the minimum side yard is 0.6 metres, the edge of the alcove will be built on the property line. As a result, the alcove will block access to the rear yard.
As a result, staff supports an alcove and similar architectural feature to be permitted to project into any minimum yard a distance of not more than 60 centimetres, except where the side yard is permitted to be 0.6 metres.

4. The applicant has also requested a change to the zoning of Block 3 from Agricultural “A” Zone to Residential “R4-563” Zone, Modified, for Lots 7 to 10, and Blocks 11, 12, 19, and 20 of the proposed Draft Plan of Subdivision (see Appendix “B”). The Residential “R4-563” Zone, Modified, includes the following zoning regulations:

- The minimum lot area will be reduced from 400 square metres to 374 square metres;
- The minimum lot frontage will be 12 metres, except for a corner lot, it will be reduced from 16 metres to 15 metres;
- The maximum lot coverage will be increased from 35% to 45%;
- The minimum front yard will be reduced from 7.5 metres to 3.0 metres to the dwelling and 6.0 metres to a garage;
- For a corner lot, the minimum side yard abutting a street will be reduced from 5.2 metres to 3.0 metres; and,
- Permit an alcove and similar architectural feature to encroach into a minimum yard a distance of not more than 0.6 metres.

Staff is supportive of the requested modifications, as the site-specific zoning is identical and consistent to the zoning regulations of residential lots immediately to the north of the subject lands in Registered Subdivision 62M-1116.

5. The amended draft Plan of Subdivision will permit the construction of single detached dwellings fronting onto Springbrook Avenue and the Fair Street extension. Lots fronting onto Springbrook Avenue will have a wider lot frontage that will be more consistent with other established residential properties on the street and newer residential properties north of Lockman Drive. Interior lots fronting onto the Fair Street extension have smaller lot frontages but are consistent with properties in the adjoining Registered Plan of Subdivision 62M-1116.
6. The amended draft Plan of Subdivision and Zoning By-law Amendment are consistent with the “Residential” designation of the Town of Ancaster Official Plan, the “Low Density Residential” designation in the Meadowlands Neighbourhood IV Secondary Plan, and the “Low Density Residential 2b” designation in the Meadowlands Neighbourhood IV Secondary Plan of the New Urban Official Plan. The residential density of the proposed subdivision is 25.5 units per net residential hectare, and is consistent with the density requirements in the Secondary Plan.

The modifications to the Zoning By-law to reduce the front yard setbacks for the dwelling is consistent with the design policies of the Meadowlands Neighbourhood IV Secondary, where Section 6.8.7(d) encourages reduced front yards and recessed garages.

7. The application has been reviewed against the Council adopted (but not yet in effect) New Urban Hamilton Official Plan. The Urban Hamilton Official Plan has designated the subject property “Neighbourhoods” on Schedule “E - Urban Structure”. The Draft Plan of Subdivision, as amended, would conform to the policies of the “Neighbourhoods” designation as the application proposes single detached dwellings that are consistent with surrounding residential uses. In particular, the scale and design of the Draft Plan of Subdivision maintains many of the existing landscape features such as mature vegetation on the subject lands, and the creation of a safe and attractive public realm.

In addition, the Zoning By-law Amendment and Draft Plan of Subdivision, conforms to the policies of the Meadowlands Neighbourhood IV Secondary Plan, with respect to the housing type and residential densities. Design policies have also been incorporated into the application such as reduced front yards, incorporating existing mature vegetation and the reduction in setbacks to create a more inviting streetscape.

8. There is an existing 300mm municipal watermain on Springbrook Avenue and it is available to service Lots 1-3, however, 0.3 metre reserves in front Lots 1-3 will prevent development of the lots due to the need for sanitary sewer extensions along Springbrook Avenue. Lots 4-10 and future residential lots (Blocks 11-14, 19, 20) can be serviced from the extension of the existing 150mm watermain on Fair Street. In addition, there are existing municipal storm and sanitary sewers on Fair Street that can be extended to adequately service Lots 4-10 and future residential lots.
9. Stormwater quality for Lots 4-10 and future residential lots has been addressed through the installation of a CDS unit (in-line stormwater management facility) within the Fair Street road allowance. The unit was installed through the development of the "Meadowlands - Phase 10" subdivision, and the Owner will be required to pay their proportionate share of the facility based on the actual cost of the unit and the contributing drainage area (0.6 ha) (see Condition 6 - Appendix “D”).

Stormwater quality for Lots 1-3 located on Springbrook Avenue will be addressed through the construction of a Stormwater Management Facility on Stonehenge Drive within the Dussin Estates lands (25T-200710). The development of the lots cannot proceed until such time as the design and construction of Springbrook Avenue, including but not limited to storm and sanitary sewers, is complete, to the satisfaction of the Director of Development Engineering (see Condition 7 - Appendix “D”).

10. There are no municipal storm or sanitary sewers within Springbrook Avenue road allowance to service Lots 1-3. Staff is coordinating a design for the reconstruction of Springbrook Avenue with the developers of "Meadowlands - Phase 10" and "Springbrook Meadows - Phase 1". It will be a requirement that the Owner pay their proportionate share of the design and construction of Springbrook Avenue (see Condition 3 - Appendix “D”).

11. The Draft Plan of Subdivision has been revised to include a temporary turning circle at the terminus of the Fair Street extension and within Lot 8, and 0.30 reserves at the southern end of the turning circle. In order to accommodate the temporary turning circle, Lot 8 of the original Draft Plan of Subdivision has been revised to be shown as Blocks 19 and 20, where the portion of the turning circle will be in Block 19, and Block 20 as a remnant parcel. Block 19 will be deeded to the City, and will be transferred back to the Owner when the land is no longer needed for the turning circle.

12. The Owner will be required to provide cost sharing with the existing residents of Springbrook Avenue to pay for sanitary sewer infrastructure expansions, as per OMB Decision Number 1493 (see Appendix “D” - Condition 5). The sanitary sewer construction will be a Municipal Act project, and under the City’s Funding Methodology for Municipal Infrastructure Extensions, the homeowner would pay for only a portion of the sewer infrastructure. The final cost to the Owner has yet to be determined.
13. The subject lands have been identified as having archaeological potential. The applicant submitted a Stage 1-2 Archaeological Report as part of the original submission of the application, and has been cleared by Heritage Planning staff. The Archaeological Report has not been signed off by the Ministry of Culture. A condition is included in the Standard Subdivision Agreement that will require sign off from the Ministry of Culture.

14. A Tree Preservation Plan was submitted as part of the original submission of the application (see Appendix “E”). Trees that have been identified for removal and replacement are scattered throughout the subject lands, most of which are located on the proposed Fair Street extension road allowance and Lots 4-7. It is noted that as a condition of approval the applicant will be required to plant street trees.

15. In accordance with Council’s Public Participation Policy, the application was pre-circulated as part of the Notice of Complete Application to 49 residents within 120 metres of the subject lands on July 15, 2009. As a result of the pre-circulation, no letters were received expressing concerns on the applications.

16. Payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment is summarized under Recommendation (a)(iii) of this report.

In particular, the calculation of parkland dedication, based on the concept plans and subsequent densities, will require a dedication amount at a ratio of 5% for the proposed ten single detached residential lots (Lots 1-10), and three residential blocks that will be combined to create two single detached residential lots (Blocks 13, 19, 20).

**ALTERNATIVES FOR CONSIDERATION:**

If the proposed Draft Plan of Subdivision and modifications to zoning are denied, revisions to the Draft Plan Subdivision and the Zoning By-law Amendment could be proposed to the Residential “R4” Zone and its permitted zoning regulations.

Alternatively the subject lands could be developed for uses permitted within the existing Agricultural “A” Zone, or to maintain the subject lands as a residential use.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

CORPORATE STRATEGIC PLAN


Financial Sustainability

- Effective and sustainable Growth Management.
- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost effective manner.
- Generate assessment growth/non-tax revenues.

Social Development

- Everyone has a home they can afford that is well maintained and safe.
- Hamilton residents are optimally employed earning a living wage.

Healthy Community

- Plan and manage the built environment.

APPENDICES / SCHEDULES

Appendix “A”: Location Map
Appendix “B”: Draft Plan of Subdivision
Appendix “C”: Draft Zoning Amendment
Appendix “D”: Special Conditions to Draft Plan of Subdivision
Appendix “E”: Tree Preservation Plan and Addendum to the Tree Preservation Plan
Appendix “F”: Original Draft Plan of Subdivision

:TL
Attachments. (6)
Location Map

Appendix “A” to Report PED10026 (Page 1 of 1)

Subject Property

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-605" Zone, modified.

Block 2 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-606" Zone, modified.

Block 3 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-563" Zone, modified.

Ward 12 Key Map
CITY OF HAMILTON

BY-LAW NO. 87-57

To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 465 Springbrook Avenue (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Insert Number] of Report 10-[Insert Number] of the Economic Development and Planning Committee, at its meeting held on the [Insert Date] day of [Insert Month], 2010, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 of Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:

   (a) That Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4-605” Zone, Modified;

   (b) That Block 2 be rezoned from the Agricultural “A” Zone to the Residential “R4-606” Zone, Modified;

   (c) That Block 3 be rezoned from the Agricultural “A” Zone to the Residential “R4-563” Zone, Modified;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 12: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

   “R4-605”

   That notwithstanding the provisions of Subsections 12.2 (c), (d), and (e)(i) “Regulations” of Section 12: Residential “R4” Zone, the following special provisions shall apply to lands zoned “R4-605”:

   Regulations:

   (c) Maximum Lot Coverage: 45.0%.

   (d) Minimum Front Yard: 6.0 metres.

   (e)(i) Minimum Side Yard: Where an attached garage or carport is provided, the minimum side yard on one side shall be 0.6 metres, and the other side yard shall be a minimum of 1.2 metres.

   “R4-606”

   That notwithstanding the provisions of Subsections 12.2 (a), (b), (c), (d) and (e)(i) “Regulations” of Section 12: Residential “R4” Zone, the following special provisions shall apply to lands zoned “R4-606”:
Regulations:

(a) Minimum Lot Area: 375 square metres.
(b) Minimum Lot Frontage: 11.30 metres.
(c) Maximum Lot Coverage: 45%.
(d) Minimum Front Yard: 3.0 metres to the dwelling and 6.0 metres to a garage.
(e)(i) Minimum Side Yard: Where an attached garage or carport is provided, the minimum side yard on one side shall be 0.6 metres, and the other side yard shall be a minimum of 1.2 metres.
(f) An alcove and similar architectural feature shall be permitted to project into any minimum yard a distance of not more than 60 centimeters, except where the side yard is less than 1.2 metres wide.

All other provisions of the Residential “R4” Zone shall continue to apply.

3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this blank day of blank, 2010.

________________________________________  _______________________________________
Fred Eisenberger                                      Kevin C. Christenson
Mayor                                                Clerk

ZAC-09-027
Schedule "A"

Map Forming Part of By-Law No. 10-_____
to Amend By-law No. 87-57

Subject Property

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-605" Zone, modified.

Block 2 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-606" Zone, modified.

Block 3 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-563" Zone, modified.
Special Conditions of Draft Plan Approval for 25T-200907, Part of Lot 50
Concession 3, 465 Springbrook Avenue, Ancaster

1. That, prior to servicing, the Owner submit a Hydrogeological report to the City, prepared by a qualified professional, 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: 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; iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Director of Development Engineering.

2. That, prior to registration, the Owner acknowledges and agrees to the following terms with regards to recovery of servicing costs by the City under a Best Efforts Provision for works installed on Fair Street adjacent to Block 102 on Plan 62M-1116, as benefiting the lands of others:

At the time of draft plan approval, final servicing requirements were unknown for the lands abutting Fair Street known as Block 102 on Plans 62M-1116.

(i) For development of the benefiting lands, Block 102 on Plan 62M-1116, to proceed, the City may require the benefiting land owner to install one or more service connections to the main line sewers and watermain in Fair Street, including replacement of the road surface, curb and sidewalk, where required.

(ii) The City shall not recover the portion of the cost of works installed by the Owner under this Agreement, which must be removed and replaced by a land owner in order to service the benefiting lands Block 102 on Plan 62M-1116.

3. That, prior to registration, the Owner agree, in writing, that the 0.3 metre reserves adjacent to Lots 1 to 3 (inclusive) shall remain until such time as Springbrook Avenue has been fully urbanized, and the Owner has paid their proportionate share of the as-constructed costs of the works, less over-sizing, to the satisfaction of the Director of Development Engineering.

4. That, prior to registration, the Owner agree, in writing, to install concrete sidewalks on Fair Court (inner loop) from the existing sidewalk on Fair Court to the south limit of the cul-de-sac, to the satisfaction of the Director of Development Engineering.
5. That, prior to registration, the Owner agree, in writing, to cost share with the existing residents of Springbrook Avenue for a substantial portion of the sanitary sewer costs, as per OMB Decision No. 1493, to the satisfaction of the Director of Development Engineering.

6. That, prior to registration, the Owner pay their proportionate share of the actual cost, less over-sizing, for the existing Stormwater Management Facility (CDS unit (PCWS 40_40)) on Fair Street, to the satisfaction of the Director of Development Engineering.

7. That, prior to servicing, the Owner agree, in writing, to pay their proportionate share of the actual cost, less oversizing, for the design and construction of Springbrook Avenue, including but not limited to, storm and sanitary sewers from the south limit of Lockman Drive to the south limit of Lot 3, to the satisfaction of the Director of Development Engineering.

8. That, prior to registration, copies of the lot grading and drainage plan, showing existing and final grades, must be submitted to Hydro One Networks Inc. (HONI), in triplicate, for review and approval. Drainage must be controlled and directed away from Ontario Realty Corporation (ORC)/HONI transmission corridor, to the satisfaction of the Director of Development Engineering.

9. That, prior to registration, and servicing temporary fencing must be installed along the edge of the transmission corridor, prior to the start of construction, at the developer’s expense, to the satisfaction of the Director of Development Engineering.

10. That, prior to registration, permanent fencing must be installed after construction is completed along ORC/HONI transmission corridor, at the developer’s expense, to the satisfaction of the Director of Development Engineering.

11. That, prior to registration, the ORC/HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of ORC. During construction, there will be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor or HONI facilities thereon resulting from construction to the subdivision.

12. That, prior to registration, the Owner will agree, in writing, that the costs of any relocations or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer, to the satisfaction of the Director of Development Engineering.

13. That, prior to registration, the Owner shall conduct noise tests to determine the degree of noise interference from existing electrical transformer/distribution station, to the satisfaction of the Director of Development Engineering.
14. That the Owner agree, in writing, that Blocks 11 and 12 will be developed in conjunction with Blocks 97 and 108, respectively, and Blocks 13 and 14 will be developed in conjunction with Block 102 of Registered Plan of Subdivision 62M-1116, to the satisfaction of the Director of Planning.

15. That, prior to registration, the Owner shall complete, to the satisfaction of the Director of Development Engineering of the City of Hamilton and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   (i) That the home/business mail delivery will be from a designated Centralized Mail Box.

   (ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(b) That the Owner further agree to:

   (i) 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.
April 29, 2009

Alexander Budrevics & Associates LTD.
Landscape Architects
895 Don Mills Road, Second Tower, Suite 212
Toronto, Ontario M3C 1W3

Attention: Ms. Patty Tse

RE: 465 Springbrook Road - Ancaster
Tree Preservation Plan

I have been retained by Ms. Patty Tse, of Alexander Budrevics & Associates Ltd., to provide an arborist consulting report concerning the above subject site. The purpose of this report is to provide a tree preservation plan, with recommendations, regarding all trees affected by the proposed development.

History and Definition of Assignment:

I have been advised by Ms. Tse, that the above subject site is scheduled for development, which includes the construction of a proposed eleven (11) lot subdivision as per as per attached Site Plan in Appendix A.

My assignment is as follows:

1. Survey all trees 10-cm DBH or larger, assess their condition and determine if they are suitable for preservation.
2. Provide recommendations for tree preservation.
3. Determine if proposed construction will adversely affect the health of such trees.

Disclaimer:

The conclusions in this report are based completely upon the Site Plan provided by the client. Upon request, neither a construction plan, grading plan nor a site services plan was made available to the arborist to complete a detailed analysis. The arborist is not a professional Land Surveyor, and can not guarantee the accuracy of tree locations.

Assumptions and Limiting Conditions:

See Appendix B.
Tree Identification and Location:

See Site Plan in Appendix A for tree location and Table #1 for species identification, condition, and recommendations.

Table #1 - 465 Springbrook Road - Ancaster

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>D B H (cm)</th>
<th>Condition</th>
<th>Tree* Category #</th>
<th>Comments</th>
<th>Recommend ations</th>
<th>TPZ** Radius (m)</th>
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<td>8543</td>
<td>White Pine (Pinus strobus)</td>
<td>61</td>
<td>Fair</td>
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<td>- advised by client that tree may be clear of proposed construction</td>
<td>Preserve if possible</td>
<td>4.2</td>
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<td>- suitable for preservation</td>
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<td>8544</td>
<td>Norway Maple (Acer platanoides)</td>
<td>51</td>
<td>Fair</td>
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<td>- advised by client that tree may be clear of proposed construction</td>
<td>Preserve if possible</td>
<td>3.6</td>
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<td>- suitable for preservation</td>
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<td>69</td>
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<td>8548</td>
<td>Catalpa (Catalpa speciosa)</td>
<td>79</td>
<td>Hazard</td>
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<td>- open obvious split in main union with cavity and decay evident</td>
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<td>Beech (Fagus grandifolia)</td>
<td>64</td>
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<td>Remove</td>
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<td>8550</td>
<td>Shagbark Hickory (Carya spp.)</td>
<td>77</td>
<td>Fair</td>
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<td>- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickory tree.</td>
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<td>- endangered species</td>
<td>As per MNR</td>
<td>As per MNR</td>
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<td>- suitable for preservation</td>
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<td>Butternut (Juglans cinerea)</td>
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<td>Fair</td>
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<td>- suitable for preservation</td>
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*Tree Category: 1 = Hazard, 2 = Fair

**TPZ = Tree Protection Zone
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<th>Tree #</th>
<th>Species</th>
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<th>Condition</th>
<th>Tree Category</th>
<th>Comments</th>
<th>Recommendation</th>
<th>TPZ Radius (m)</th>
</tr>
</thead>
</table>
| 8554  | Butternut (<i>Juglans cinerea</i>) | 14       | Fair      | 1             | - endangered species  
- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickey tree.  
- advised by client that tree is clear of proposed construction  
- suitable for preservation | As per MNR      | As per MNR      |
| 8555  | Butternut (<i>Juglans cinerea</i>) | 38       | Fair      | 1             | - endangered species  
- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickey tree.  
- advised by client that tree is clear of proposed construction  
- suitable for preservation | As per MNR      | As per MNR      |
| 8556  | Black Locust (<i>Robinia pseudoacacia</i>) | 23       | Fair      | 2             | - located on adjacent property  
- advised by client that tree is clear of proposed construction  
- suitable for preservation | Preserve        | 2.4            |
| 8557  | Butternut (<i>Juglans cinerea</i>) | 17       | Fair      | 1             | - endangered species  
- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickey tree.  
- advised by client that tree may be clear of proposed construction  
- suitable for preservation | As per MNR      | As per MNR      |
| 8558  | Butternut (<i>Juglans cinerea</i>) | 19       | Fair      | 1             | - endangered species  
- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickey tree.  
- advised by client that tree may be clear of proposed construction  
- suitable for preservation | As per MNR      | As per MNR      |
| 8559  | Butternut (<i>Juglans cinerea</i>) | 77       | Fair      | 1             | - endangered species  
- permission must be granted by the Ministry of Natural Resources (MNR) prior to disturbing any butternut hickey tree.  
- advised by client that tree is clear of proposed construction  
- suitable for preservation | As per MNR      | As per MNR      |
| 8560  | Scots Pine (<i>Picea sylvestris</i>) | 23       | Poor-Fair | 1             | - in decline with limited life span  
- not suitable for preservation | Remove          |                |
| 8561  | Scots Pine (<i>Picea sylvestris</i>) | 21       | Poor-Fair | 1             | - in decline with limited life span  
- not suitable for preservation | Remove          |                |
| 8562  | Scots Pine (<i>Picea sylvestris</i>) | 16       | Poor-Fair | 1             | - in decline with limited life span  
- not suitable for preservation | Remove          |                |
| 8563  | Silver Maple (<i>Acer saccharum</i>) | 37       | Poor-Fair | 1             | - advised by client that tree is in conflict with proposed construction | Remove          |                |
| 8564  | Red Oak (<i>Quercus rubra</i>) | 40       | Fair      | 1             | - advised by client that tree is in conflict with proposed construction | Remove          |                |
| 8565  | Scots Pine (<i>Picea sylvestris</i>) | 13       | Poor-Fair | 1             | - in decline with limited life span  
- not suitable for preservation | Remove          |                |
| 8566  | Scots Pine (<i>Picea sylvestris</i>) | 24       | Poor-Fair | 1             | - in decline with limited life span  
- not suitable for preservation | Remove          |                |
<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>DBH (cm)</th>
<th>Condition</th>
<th>Tree* Category</th>
<th>Comments</th>
<th>Recommend - ation</th>
<th>TPZ** Radius (m)</th>
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<td>95</td>
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<td>As per MNR</td>
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*The Tree Specialists, Inc.*
Davide P. Carnevale - Consulting Arborist
<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>D B H (cm)</th>
<th>Condition</th>
<th>Tree Category</th>
<th>Comments</th>
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<td>1.8</td>
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<td>- located on adjacent property - advised by client that tree is clear of proposed construction - suitable for preservation</td>
<td>Preserve</td>
<td>3.6</td>
</tr>
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</table>

*The Trees Specialists, Inc.*
*Davide P. Carnevale - Consulting Arborist*
<table>
<thead>
<tr>
<th>Tree #</th>
<th>Species</th>
<th>D B H (cm)</th>
<th>Condition</th>
<th>Tree Category</th>
<th>Comments</th>
<th>Recommendation</th>
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<td>- suitable for preservation</td>
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<td>1.8</td>
</tr>
<tr>
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<td></td>
<td></td>
<td>- suitable for preservation</td>
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<td>- in decline with limited life span</td>
<td>Remove</td>
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</tr>
</tbody>
</table>

**TPZ** – Minimum recommended tree protection zone radius

The Tree Specialists, Inc.
Davide P. Canevale - Consulting Arborist
Site Notes and Comments:

1. As listed above, eight-four (84) trees were surveyed at the above subject site. Of these 84 trees, thirteen (13) are either hazardous and/or in irreversible decline with limited life spans, are not suitable for preservation and, as such should be removed and replaced rather than attempting to preserve and protect during construction – trees no. 8548, 8560, 8561, 8562, 8565, 8566, 8582, 8583, 8608, 8615, 8622, 8625 and 8626. Tree no. 8615 is located on the adjacent property and prior to removal requires permission from the property owner.

2. Of the remaining seventy-one (71) trees, nine (9) are butternut (Juglans cinerea) species and are listed under the Endangered Species Act, 2007 – trees no. 8551-8555, 8557-8559 and 8573. A permit must be obtained from the Ministry of Natural Resources (MNR) to disturb or remove any butternut tree. Details regarding the Endangered Species Act, 2007 and MNR permit policies and procedures are best described at http://www.ont-woodlot-assoc.org/sw_fn-endangered-species-act.html. For additional information regarding the Endangered Species Act, readers should contact the Species at Risk biologist at the local office of the Ontario Ministry of Natural Resources.

3. I have been advised by the client that of the remaining sixty-two (62) trees, four (4) are clear of proposed construction and will retain 100% of their prescribed TPZs – trees no. 8567, 8604, 8605 and 8609. To ensure that each tree is preserved, I recommend designing and implementing construction, grading and site services plans that retains 100% of each tree’s prescribed TPZ. In the event this is not possible, I recommend removing and replacing each tree as required.

4. Similarly, I have also been advised by the client that there are thirteen (13) additional trees that are in close proximity to construction and may be possible to preserve – trees no. 8543, 8544, 8550, 8598-8603, 8619-8621 and 8623. Again, I recommend designing and implementing construction, grading and site services plans that retains no less than 85% of each tree’s prescribed TPZ. In the event this is not possible, I recommend removing and replacing each tree as required.

5. Finally, the client has advised me that all remaining forty-nine (49) trees are in direct conflict with proposed construction, can not be sufficiently protected by retaining their prescribed TPZs and, as such require removal and replacement.

6. To ensure proposed construction does not disturb any tree scheduled for preservation, I recommend implementing the below listed tree preservation recommendations. Details for each recommendation are listed in the Tree Preservation Specification schedule in Appendix C.

- Erect all hoarding prior to construction and ensure no materials, equipment or personnel are allowed within TPZ during construction.
- If required, hand-dig any excavation located within the TPZ.
- Prune any exposed roots to promote regeneration and reduce possible infection.
• Prune each tree to remove deadwood, objectionable limbs and any naturally declining limbs.
• Apply a one-year slow release deep root low nitrogen fertilizer, such as an 8-30-30, to promote increased vigor and vitality.
• Retain a Project Consulting Arborist (PCA), throughout the entire construction process, to observe and ensure that all above recommendations are being followed.

Conclusions:

Successful tree preservation requires a construction, grading and site services plan that retains no less than 85% of any individual tree’s prescribed TPZ. In this case, the client has advised that there are 4 trees (no. 8567, 8604, 8605 and 8609) clear of proposed construction and 13 trees with potential for preservation (no. 8543, 8544, 8550, 8598-8603, 8619-8621 and 8623). All above listed seventeen (17) trees are suitable candidates for preservation. With the above in mind, it’s my professional opinion that if the above tree preservation recommendations are implemented, future construction will not adversely affect the long-term health, safety and/or existing condition of such trees. In the event that it’s not possible to sufficiently protect any individual tree, I recommend removing a replacing it rather than attempting to preserve and protect during construction. Prior to construction, I recommend removing and replacing all listed 13 trees that are hazardous and/or in irreversible decline (no. 8548, 8560, 8561, 8562, 8565, 8566, 8582, 8583, 8608, 8615, 8622, 8625 and 8626). All 13 trees are not suitable candidates for preservation. Hazardous trees require removal immediately and declining trees will require removal within the next 2-5 years. Nine (9) butternut trees are protected under the Endangered Species Act, 2007. In this case, a permit is required from the Ministry of Natural Resources to disturb or remove any protected butternut tree (no. 8551-8555, 8557-8559 and 8573). Finally, I recommend removing and replacing all 49 trees that are in direct conflict with proposed construction.

I trust this report meets your needs. If you have any questions or require further information, please do not hesitate to contact me directly at 905-469-1717.

Sincerely,

[Signature]

Davide P. Carnevale H.R.F.
President/Consulting Arborist ASCA #370

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The Tree Specialists, Inc.
Davide P. Carnevale - Consulting Arborist
Appendix A: Site Plan for 465 Springbrook Road - Ancaster

The Tree Specialists, Inc.
Davide P. Carnevale - Consulting Arborist
Appendix B:

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care as been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however The Tree Specialists, Inc. can neither guarantee nor be responsible for the accuracy of information provided by others.

2. Unless otherwise required by law, possession of this report or a copy thereof does not imply right of publication or use for any purpose in whole or in part by any other than the person to whom it is addressed, without the prior expressly written or verbal consent of the author or his company.

3. Excerpts or alterations to the report, without the authorization of the author or his company invalidates its intent and/or implied conclusions. This report may not be used for any expressed purpose other than its intended purpose and alteration of any part of this report invalidates the report.

4. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection was made using accepted arboricultural techniques and is limited to visual examination of accessible items without climbing, dissection, probing or coring and detailed root examination involving excavation. While reasonable efforts have been made to assess trees outlined in this report, there is no warranty or guarantee, expressed or implied, that problems or deficiencies with the tree(s) or any part(s) of them may not arise in the future. All trees should be inspected and re-assessed periodically.

5. The determination of ownership of any subject tree(s) is the responsibility of the owner and any civil or common-law issues, which may exist between property owners with respect to trees, must be resolved by the owner. A recommendation to remove or maintain tree(s) does not grant authority to encroach in any manner onto adjacent private properties.

The Tree Specialists, Inc.
Davide P. Carnevale - Consulting Arborist
Appendix C:

Tree Preservation Specification Details.

1.0 ESTABLISH TREE PROTECTION ZONE

The purpose of the tree protection zone (TPZ) is to prevent root damage, soil compaction and soil contamination. Workers and machinery shall not disturb the tree protection zone in any way. To prevent access, the following is required:

1.1 Install hoarding as per attached Site Plan Survey in Appendix B.

1.2 Hoarding shall consist of the following:
1.3 When visibility is a consideration, 1.2 meter high orange plastic web snow fencing on a 2"X4" frame should be used.

1.4 No fill, equipment or supplies are to be stored within the tree protection zone.

1.5 Activities, which are likely to injure or destroy tree(s), are not permitted within the TPZ.

1.6 No objects may be attached to tree(s) within the TPZ.

1.7 Tree protection barriers are to be erected prior to the commencement of any construction or grading activities on the site and are to remain in place in good condition throughout the entire duration of the project.

1.8 Once all tree/site protection measures have been installed you must notify Urban Forestry staff to arrange for an inspection of the site and approval of the site protection requirements.

1.9 All Hoarding shall not be removed until all construction activity is complete.

1.10 A sign that is similar to the illustration below must be mounted on all sides of a tree protection barrier for the duration of the project. The sign should be a minimum of 40cm X 60cm and made of white gator board, laminates or equivalent material.

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**TREE PROTECTION ZONE (TPZ)**

No grade change, storage of materials or equipment is permitted within the TPZ. The tree protection barrier must not be removed without the written authorization of City of Hamilton, Urban Forestry.

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2.0 ROOT PRUNING

Where possible, hand dig areas closest to each tree to prevent any unnecessary tearing or pulling of roots. Removal of roots that are greater than 2.5 centimetres in diameter or roots that are injured or diseased should be performed as follows:

2.1 Preserve the root bark ridge (similar in structure to the branch bark ridge). Directional Root Pruning (DRP) is the recommended technique and should be used during hand excavation around tree roots. Roots are similar to branches in their response to pruning practices. With DRP, objectionable and severely injured roots are properly cut to a lateral root that is growing downward or in a favorable direction.

2.2 All roots needing to be pruned or removed shall be cut cleanly with sharp hand tools, by a Certified Arborist or by the PCA.

2.3 No wound dressings/pruning paint shall be used to cover the ends of each cut.

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*The Tree Specialists, Inc.*

David P. Carnevale - Consulting Arborist
2.4 All roots requiring pruning shall be cut using any of the following tools:

- Large or small loppers
- Hand pruners
- Small hand saws
- Wound scribers

2.5 Avoid prolonged exposure of tree roots during construction - keep exposed roots moist and dampened with mulching materials, irrigation or wrap in burlap if exposed for longer than 4 hours.

3.0 ESTABLISH MAINTENANCE PROGRAM

All maintenance work must be completed by the approved Project Consulting Arborist.

Pre-Construction:
3.1 Prune trees to remove deadwood, objectionable limbs while maintaining crown form.

During Construction:
3.2 Irrigate tree preservation zones during drought conditions, June – September, to reduce drought stress.

3.3 Inspect the site every month to ensure that all hoarding is in place and in good condition. Inspect the trees to monitor condition.

Post-Construction:
3.4 Inspect the trees two times per year – May and September – to monitor condition for a minimum of 2 additional years.

4.0 LANDSCAPING

Any landscaping completed within the tree preservation zones, after construction is completed and hoarding has been removed, can not cause damage to any of the trees or their roots. The trees must be protected for the same reasons listed above but without using hoarding.

4.1 No grade changes are permitted which include adding and/or removing soil.

4.2 No excavation is permitted that can cause damage to the roots of the tree.

4.3 No heavy equipment can be used to compact the soil within the tree preservation zone.

4.4 Any hard -surface sidewalks, paths, etc. should be constructed using permeable products such as interlocking stone, etc.

The Tree Specialists, Inc.
Davide P. Carnevale - Consulting Arborist
September 1, 2009

AJ Lakatos Planning Consultant
123 Woolwich Street
Guelph, Ontario
N1H 3V1

Attention: Andrew Lakatos, BLA, MCIP, RPP
Principal

Dear Mr. Lakatos

Re: 465 Springbrook Avenue Butternut Health Assessment, Ancaster Ontario

As requested, we inspected the butternut trees at 465 Springbrook Avenue where Mr. Khan is proposing a 12 lot subdivision for detached single family homes. The butternuts were previously identified in the Tree Preservation Plan, prepared by the Tree Specialist Inc. These trees are protected from killing or harm under the Endangered Species Act and their health must be determined by a qualified Butternut Health Assessor (BHA) if proposed development could affect their survival.

Prior to fieldwork the Tree Preservation Plan and Planning Report prepared by you were reviewed. These documents provided tree locations, as well as the proposed lot configurations and minimum yard setback distances. The butternut trees are all located along the north property line of proposed lots 1 and 7. Based on the minimum side yards (i.e. 0.6 m and 1.2 m) shown in the Planning Report it appeared that the butternut trees would be impacted by the proposed houses.

On August 25, 2009, GWS staff visited the site and determined that the 9 butternut trees identified in the Tree Preservation Plan were in fact 8 butternut hickory (*Carya cordiformis*) and 1 red ash (*Fraxinus pennsylvanica*), as shown in the table below. We also conducted a thorough search of the property and adjacent lands and were unable to find any butternut trees.

<table>
<thead>
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<th>Tree Number</th>
<th>Correct Tree Species</th>
<th>Tree Number</th>
<th>Correct Tree Species</th>
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<tbody>
<tr>
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<td>8557</td>
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<td>Red Ash</td>
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<tr>
<td>8555</td>
<td>Butternut Hickory</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

GWS staff also noted some other identification errors in the Tree Specialist’s report as trees 8549 and 8616 are European beech (*Fagus sylvatica*) not American beech (*Fagus grandifolia*) and tree 8563 is a red maple (*Acer rubrum*) not a silver maple (*Acer saccharinum*). These misidentifications may have been due to the timing of the original tree inventory which was conducted in April prior to leaf flushing. Some Tree Protection Zones (TPZ) specified for trees to be retained also seem insufficient in relation to tree driplines and related City requirements (eg. tree 8567 is a mature red oak with about a 5m dripline extending into lot...
7 but it has only been assigned a 6m TPZ). In this regard, the feasibility of retaining the bitternut hickories (formerly identified as butternuts) will have to be re-assessed based on their driplines in relation to building requirements. The Tree Specialist’s report and Vegetation Analysis Plan should be revised to reflect these changes in species identification or condition.

We trust this information will assist you in the development application. Please do not hesitate to contact us if you require further clarification on these matters.

Yours truly,

GWS Ecological & Forestry Services Inc.

[Signature]

Greg W. Scheifele, M. A., R.P.F.
Principal Ecologist/Forester
BHA# 75