Niagara Escarpment Commission

232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 905-877-5191
Fax: 905-873-7452
www.escarpment.org

Commission de l'escarpement du Niagara

232, rue Guelph
Georgetown ON L7G 4B1
No de tel. 905-877-5191
Télécopieur 905-873-7452
www.escarpment.org

Niagara Escarpment Commission
An agency of the Government of Ontario

September 22, 2021

TO: **Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies, parties who requested Notice or are considered to have an interest in the Decision.**

RE: **NOTICE OF DECISION**
Development Permit Application: W/S/2020-2021/651
145 Cline Avenue North
(Former) City of Hamilton, City of Hamilton

Attached is a **Notice of Decision** from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a completed Appeal Form or a written letter, **specifying your reasons for appeal, within 14 days** of the date of this letter.

An Appeal Form can be downloaded from www.escarpment.org. If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be submitted to the NEC. **Due to restrictions associated with the pandemic, the NEC's offices are closed to the public. We therefore suggest that any appeal be sent by email to necgeorgetown@ontario.ca.**

Please note that the last day that appeals may be received is: **October 6, 2021** (midnight).

The Commission's decision is confirmed if no appeal is received within the 14 days.

If the Commission's decision is appealed, a Hearing Officer will be appointed by the Minister of Northern Development, Mines, Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed, you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.

If you have questions about this process, or about the details of the Development Permit application, please contact me at Johnpaul.Loiacono@ontario.ca

Yours truly,

J Loiacono

Johnpaul Loiacono, Senior Planner

NOTICE OF DECISION

OF THE NIAGARA ESCARPMENT COMMISSION

REGARDING

AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25 OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT, R.S.O. 1990, CHAPTER N.2

FILE NUMBER: W/S/2020-2021/651

LOCATION: 145 Cline Avenue North
(Former) City of Hamilton, City of Hamilton **ARN** 251801005206170

PROPOSED DEVELOPMENT: As part of Phase II of the Churchill Park Master Plan, the following will be constructed within the northern portion of the park:

- The re-grading of a ±8,475 square metres multi-use field
- Four bioretention facilities and swales measuring a total of ±815 square metres
- A limestone screened trail
- Additional infrastructure including three culverts and underdrains

Note: this park is guided by a Management Plan. The proposed trail is exempt from the development permit process. Details of the Management Plan and Master Plan can be found on the City of Hamilton's website at www.hamilton.ca/churchillpark.

DECISION of the NIAGARA ESCARPMENT COMMISSION:

The application for a Development Permit, as described above, has been **CONDITIONALLY APPROVED.**

The **Conditions of Approval** are listed on the attached **APPENDIX.**

DATE: September 22, 2021

SIGNED: Kim Peters

Kim Peters, RPP, MCIP
Manager

THIS IS NOT A DEVELOPMENT PERMIT
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED

APPENDIX

145 Cline Avenue North

CONDITIONS OF APPROVAL **W/S/2020-2021/651**

1. Development shall occur in accordance with the Terms and Conditions of the Development Permit.

2. The Development Permit shall expire three (3) years from the date it has been issued or once the development has been completed in accordance with the Development Permit.

3. No site alteration of the existing contours of the property including the placement or stockpiling of fill (i.e. excess or imported soil) on the property is permitted with the exception of that identified within the development envelope in accordance with the Final Site Plan.

4. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the Final Site Plan.

5. If development has commenced under a Development Permit, any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission on or before the date of expiry of the Development Permit.

6. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** prepared by a qualified person shall be submitted for Niagara Escarpment Commission approval. The following stipulation shall be included directly on the Plan:

    a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well), and include the name of the relevant individual or consultant who prepared the drawing;
    b) Outline of the approved development envelope / extent of all disturbed areas;
    c) Location of all existing and proposed structures, sewage disposal system, well/cistern, driveway, construction access / haul routes, exterior lighting, etc. showing setbacks from the property lines, any watercourses or water features, top / bottom of slope, wooded areas, etc.;
    d) Grading, drainage, and fill management details including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified.
    e) The location and design of erosion and sediment control measures (e.g., fencing, blankets, rip-rap, temporary mulch / seeding), and limit-of-work construction or eco-protection fencing;
    f) Identify the areas of existing vegetation to be retained, areas of vegetation to be removed, and the location of proposed plantings

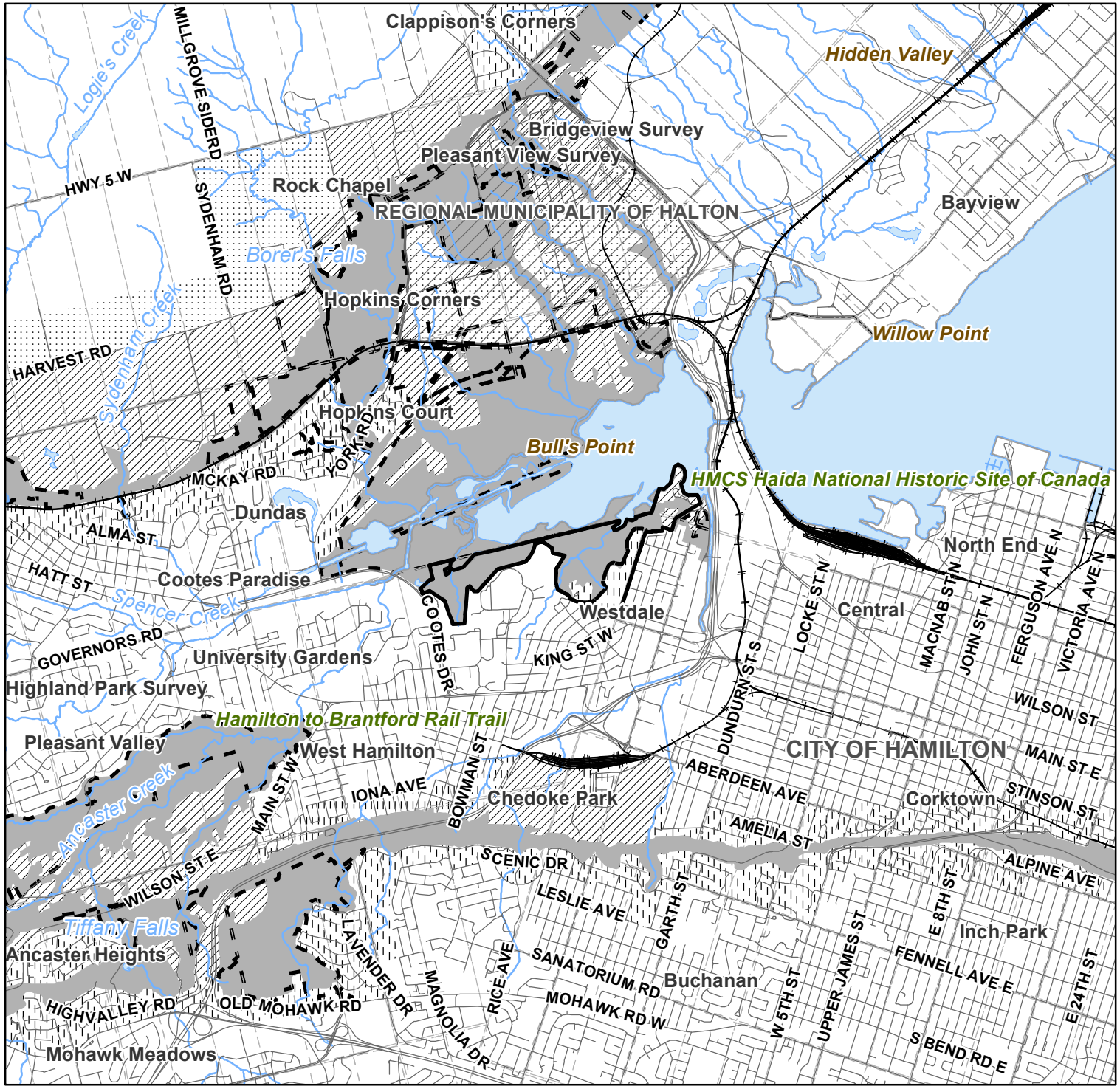
7. **Prior to the commencement of any development**, erosion and sediment control measures (e.g., fencing, blankets, rip-rap), and/or vegetation protection fencing shall be implemented and maintained as shown on the **Final Site Plan** until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing in good condition until vegetative cover has been successfully established and the development is completed.

8. The maintenance and operation measures noted in the design brief and stormwater management report prepared by Aquafor Beech Limited, dated December 18, 2020, shall be implemented by the City of Hamilton to ensure the water quantity and quality intended to be achieved by the bioretention facilities and swales are maintained. These measures are detailed and listed in 6.1.1 (routine maintenance and operation), 6.1.2 (weed control), 6.1.3 (annual inspection), 6.1.4 (repair tasks) and 6.1.5 (landscape/plant maintenance needs) of the Aquafor Beech Limited's report.

9. This conditional approval expires 18 months from the date of confirmation of the decision to approve the Development Permit application. Condition 6 of this conditional approval shall be fulfilled before the expiry date.

Advisory Notes:

a) A Development Permit does not relieve the permit holder of any other permission (e.g., Ontario Building Code, *Conservation Authorities Act, Endangered Species Act,* etc.). A Niagara Escarpment Commission Development Permit is required prior to the issuance of any other permission.



Map 1A

Niagara Escarpment Plan

251801005206170

- Subject Property

Plan Designations

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Urban Area
- Public Land (in Parks and Open Space System)
- Special Policy Areas
- Roads
- Railway - Operational
- Waterbodies
- Watercourse
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through Site Inspection and the application of the 'Interpretation of Boundaries' section of the Niagara Escarpment Plan

Scale 1:50,000

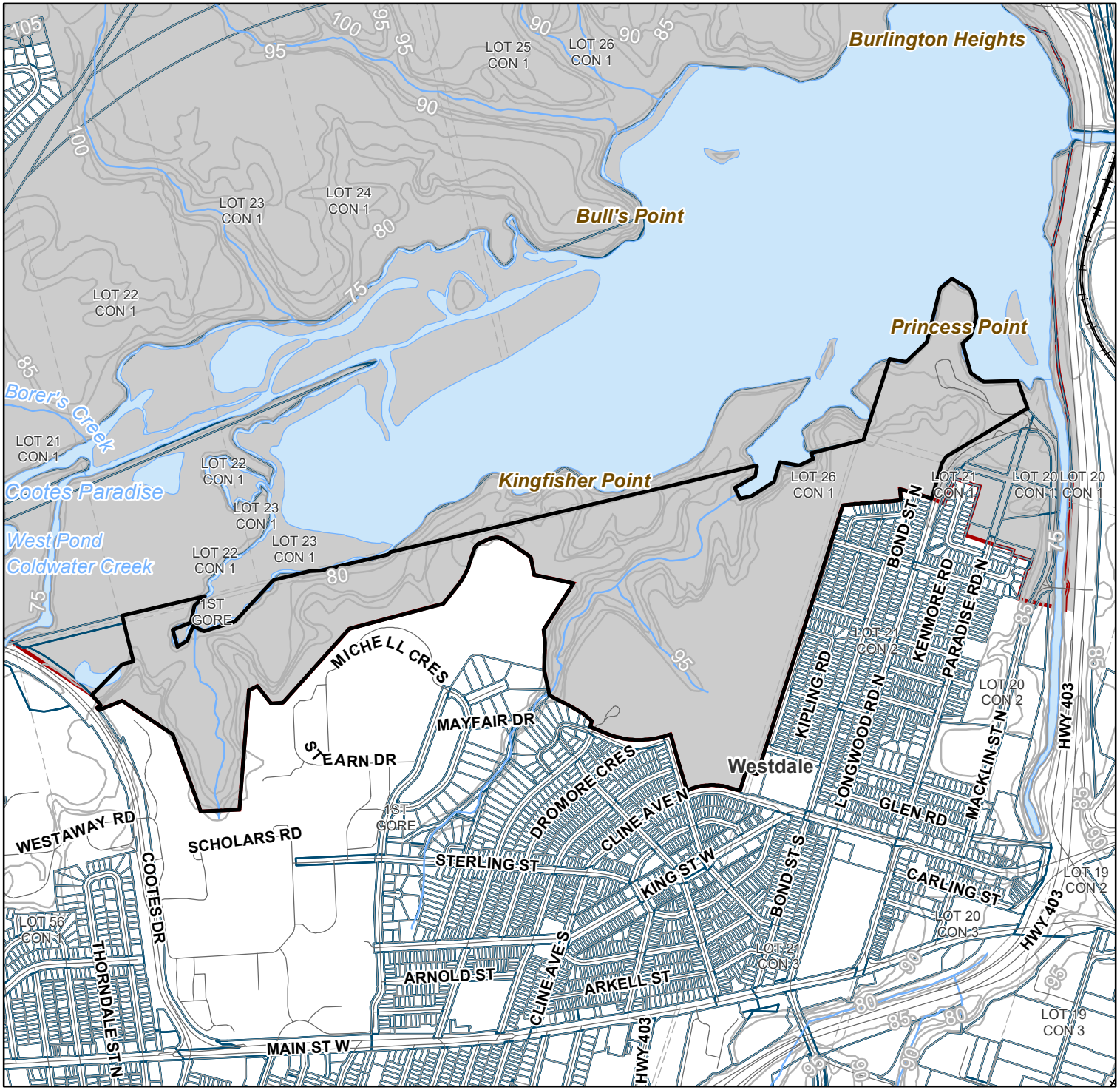
0 380 760 1140 1520

Metres

Printed on Mar 04, 2021

THIS IS NOT A PLAN OF SURVEY.
This map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation. Base derived from various sources. Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources

© Queen's Printer for Ontario and its licensors. [2019]
May Not be Reproduced without Permission.



Map 2 - Development Control Lot Configuration

251801005206170

- Subject Property
- Niagara Escarpment Plan Area
- Area of Development Control
- Roads
- Railway - Operational
- Waterbodies
- Watercourse
- Contour (5 metre intervals)
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary
- Ownership Boundary

Area of Development Control Drawn for Convienance Only. Refer to the appropriate Ontario Regulation for an accurate interpretaion of the Development Control Area.

Scale 1:15,000

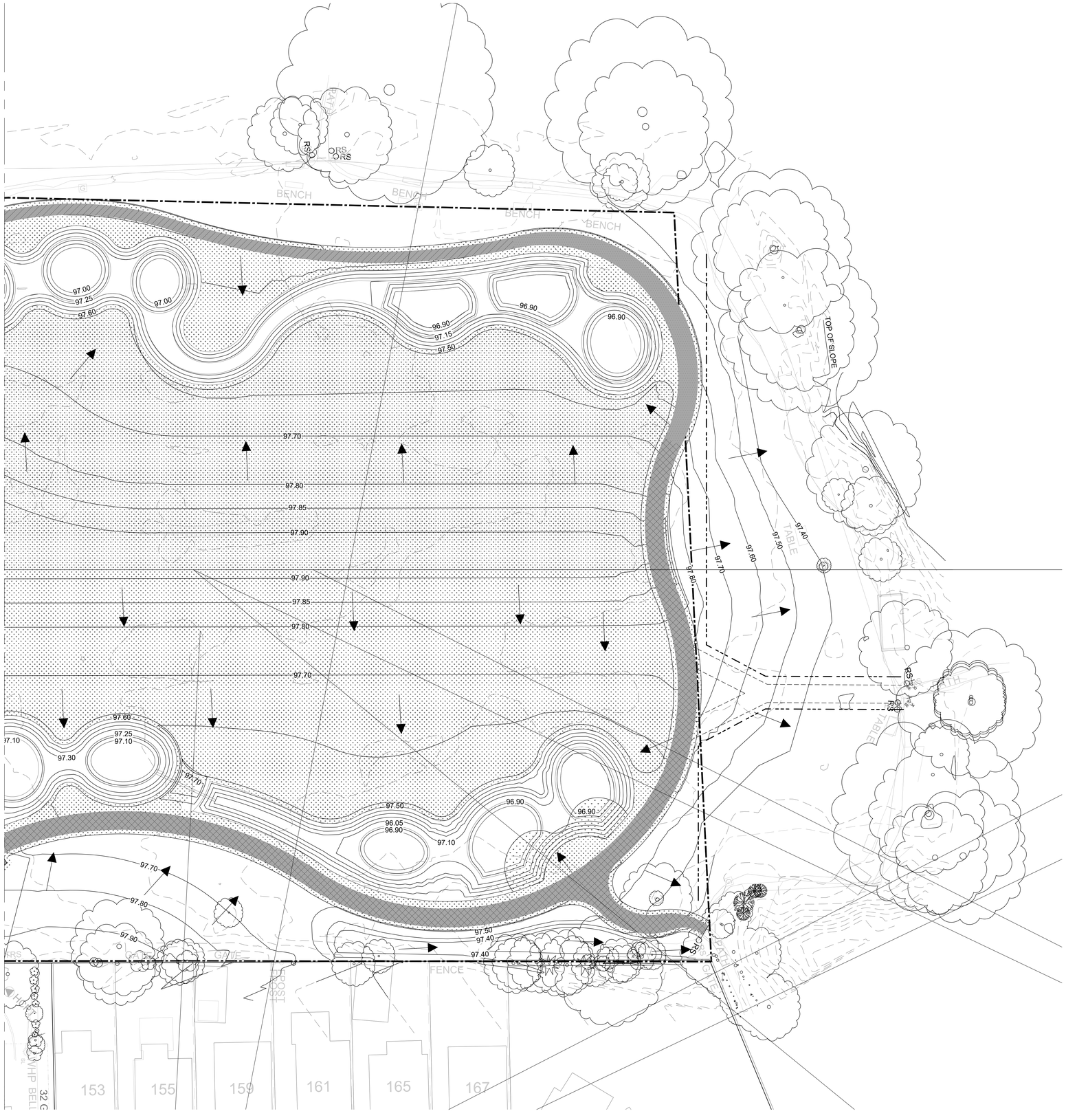
0 110 220 330 440

Metres

Printed on Mar 04, 2021

THIS IS NOT A PLAN OF SURVEY.
This map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation. Base derived from various sources. Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources

© Queen's Printer for Ontario and its licensors. [2019]
May Not be Reproduced without Permission.

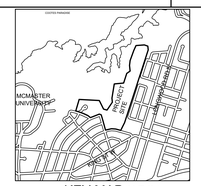

BENCH
BENCH
BENCH
BENCH
RISERS
RISERS
TOP OF SLOPE
TABLE
TABLE
97.00
97.25
97.60
97.00
96.90
96.90
96.90
97.15
97.50
97.70
97.80
97.85
97.90
97.90
97.85
97.80
97.70
97.60
97.25
97.10
97.10
97.30
97.70
97.50
96.90
96.90
96.05
96.90
97.10
97.70
97.80
97.90
97.50
97.40
97.40
97.40
97.50
97.60
97.70
97.80
97.40
RISERS
RISERS
FENCE
153
155
159
161
165
167

CHURCHILL PARK REDEVELOPMENT PHASE 2

DIMENSIONS SHOWN ON THIS PLAN ARE IN MILLIMETRES UNLESS OTHERWISE NOTED

CONTRACT No. C15-13-21 (P)
DRAWING No. 18-P-10

SHEET No. 11 OF 22



KEY MAP (N.T.S.)

LEGEND

- EXISTING TREE TO REMAIN
- APPROXIMATE DRIPLINE FOR EXISTING TREES
- PROPERTY LINE
- LIMIT OF CONSTRUCTION
- LIMIT OF CONSTRUCTION - PROVISIONAL
- EXISTING PAGE-WIRE FENCE
- EXISTING POST AND WIRE NATURALIZATION FENCE
- CONCRETE CURB TO BE REINSTATED
- SITE ACCESS MUD MAT
- STOCKPILING ZONE
- EXISTING SPOT ELEVATION
- 98.48 PROPOSED SPOT ELEVATION
- 0% SLOPE
- EXISTING CONTOUR

1 / L10 PATHWAY GRADING PLAN
1:200
0 2m 5m 10m

No.	REVISIONS	INITIAL	DATE
01	ISSUED FOR 60%	LC	20/08/05
02	ISSUED FOR 90%	LC	20/10/08
03	ISSUED FOR CLIENT REVIEW	LC	20/12/18
04	ISSUED FOR PERMIT	LC	21/02/17
05	RE-ISSUED FOR PERMIT	LC	21/07/14

DRAWN BY: VH DATE: 2020-03-30
REFERENCE MATERIAL:
Road Plans :
Sewer Plans :
Water Plans :
Regional Surveyor :
Bench mark No. 1-10
Elevation= 98.278m PreCGVD28

1. Base information is based upon the topographic survey drawing provided by the City of Hamilton (March 23, 2020).
2. Legal property lines and utilities are to be verified on site prior to starting construction.
3. Fornec Ltd. bears no responsibility for the interpretation of these documents by the Contractor.
4. The contractor is to check and verify site conditions, design details, dimensions and levels on the job necessary to the performance of the Work and report any discrepancies to Fornec Ltd. before proceeding with the Work.
5. The contractor is to locate, protect and make good any damage to existing and new utilities.
6. The contractor is to make good any damage to existing and new construction.
7. The contractor is to provide a warranty for all construction details and comply with all building codes.
8. Do not scale drawings, only figured dimensions to be used. These drawings are not to be scaled for construction.

SCALES
AS NOTED

FORNEC
219 Dufferin Street Suite 100C
Toronto Ontario M6K 3J1
T 416 696 6686 www.fornec.com

Landscape Architect, Landscape Architectural Services
Ken Wheaton, B.L.A., O.A.L.A., C.S.L.A.
Manager, Landscape Architectural Services
Cynthia Graham, O.A.L.A., C.S.L.A.

City of Hamilton
Hamilton Public Works Department

CHURCHILL PARK REDEVELOPMENT PHASE 2
146-167 CLINE AVE. N., HAMILTON ON
PATHWAY GRADING PLAN

L10

18-P-10 (L10)
PLOT DATE: Jul 14, 2021 - 10:33pm