



RESPONSE TO COMMENTS

Planning and Economic Development Department

Development Planning

71 Main Street West, 5th Floor, Hamilton, Ontario L8P 4Y5

Email: Johnpaul.Loiacono@hamilton.ca

Date:	2024-02-15	Time:	
Project Name:	393 Rymal Road West	HKA Job #:	2023-010
Re:	Third Submission Zoning By-law Amendment Application for Lands Located at 393 Rymal Road West, Hamilton (Ward 8)		

Dear Johnpaul,

Please find below our responses to your comments dated 2024-02-07.

ITEM	COMMENTS	RESPONSE
a)	A Tree Protection Plan (TPP) review fee is to be submitted to the City. At this time, it is unclear if this fee has been provided. Further clarification is required. The 2023 review fee is \$685.00	Noted
b)	On page 1, it has been identified that the City does not have a private tree protection by-law for this section of the City. It is important to note that a TPP was identified to be completed through the Formal Consultation process. In addition, it is important note that the City does have by-laws in place to protect municipal trees.	Note has been added accordingly.

c)	<p>On page 3, it has been identified that the proposed development is a schoolyard renovation. There is concern that this is not representative of the concept plan. Further clarification is required.</p>	<p>Revised wording.</p>
d)	<p>The TPP is to include the development concept. There is concern that this has not been included on the figure. The figure is to be revised.</p>	<p>Revised to show base underlay on TPP.</p>
e)	<p>Tree Inventory:</p> <p>i. Trees are to be identified to species. There are several trees that have only been identified to genus. The table is to be revised to include species names.</p> <p>ii. Tree health has been identified as good, fair, or poor. It is unclear how this was determined and if it meets the approach within the City’s Council adopted Tree Protection Guidelines (revised October 2010). Further clarification is required.</p> <p>Within the Guidelines, tree condition has been rated in the following manner:</p> <ul style="list-style-type: none"> • GOOD - dead branches less than 10%; signs of good compartmentalization on any wounds, no structural defects. • FAIR - 10-30% dead branches, size or occurrence of wounds present some concerns, minor structural defects • POOR - more than 30% dead branches, weak compartmentalization, early leaf drop, presence of insects or disease, major structural defects • o DEAD - tree shows no signs of life <p>iii. Several trees have been identified as “off-property”. The tree inventory table is to be revised to clearly identify ownership of the trees.</p>	<p>i. Species shown on chart.</p> <p>ii. Crown Die Back (CBD identified that percentage of dead branches in the canopy. The Trunk integrity rates the condition of the trunk and structural integrity of the tree. Crown Structure evaluates the condition and shape of the trees crown. Crown vigor evaluates the health of the crown.</p> <p>iii. Revised to identify tree ownership</p>

	<p>iv. A “recommendation” column has been included within the table. There is concern that the rationale for removal (“remove for development”). This column is to be revised to include specific rationale (i.e., grading within the rootzone).</p> <p>v. Fifteen (15) trees (Manitoba Maple, White Ash) have been identified as 243 B. It is unclear how many trees are 10 cm DBH or greater. Further clarification is required.</p> <p>vi. Twelve (12) plus trees (Manitoba Maple, White Ash, Buckthorn, Norway Maple, Black Cherry) have been identified as 244 B. It is unclear how many trees are 10 cm DBH or greater. Further clarification is required.</p> <p>vii. Buckthorn has been identified within 244B. This is a highly invasive species and there is concern that techniques for its removal have not been contemplated. Further clarification is required.</p> <p>viii. The decision to retain trees is to be based on condition, aesthetics, age, and species. There are several trees proposed to be in good condition. This includes trees #240 and 241 (Red Oak). Opportunities to retain more trees on site are to be explored.</p>	<p>iv. Recommendation notes revised accordingly.</p> <p>v. Revision shows how many trees in group are above 10cm DBH.</p> <p>vi. Revision shows how many trees in group are above 10cm DBH.</p> <p>vii. : Tree 244B is in the center of a proposed development. Not only will the vegetation be removed, but all material stripped of the site, graded, and structures/ fine landscaping constructed. We do not feel there is a concern of survival of the buckthorn.</p> <p>viii. Trees 240 and 241 interfere with the site plan hence their recommendation for removal.</p>
f)	<ul style="list-style-type: none"> • Tree Protection Measures: <ul style="list-style-type: none"> i. As per the City’s Council adopted Tree Protection Guidelines (revised October 2010), tree protection fencing is to be located at a minimum of 1 metre from the dripline of the tree. In addition, it is to be comprised of paige wire fencing. The detail that has been provided does not adequately reflect these requirements. The tree protection detail is to be revised. An appropriate detail can be found within the City’s Site Plan Guidelines (Appendix 8). 	<p>i. Detail and fencing requirements have been updated accordingly.</p>

	<p>ii. Based on the City’s Council adopted Tree Protection Guidelines (revised October 2010), the tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) is to prepare a Verification of Tree Protection Letter to the satisfaction of the Director of Planning. This is to ensure that all tree protection measures have been implemented. This correspondence is to be provided prior to any on-site works. A notation is to be provided on the drawing.</p>	<p>ii. Noted on drawing</p>
g)	<ul style="list-style-type: none"> Birds may be using the trees on site to nest. The owner/applicant is to be aware of the Migratory Birds Convention Act, 1994, which protects birds and their nests. This is implemented by Environment Canada. It is advised that all vegetation be removed between Sept. 1 and March 30 to avoid the breeding season (March 31 to August 31). A notation is to be included on the drawing. 	<p>A note stating “All vegetation be removed between Sept. 1 and March 30 to avoid the breeding season (March 31 to August 31)” has been added on the drawing.</p>
h)	<p>Compensation: In order to ensure that existing cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed. There is concern that this has not been taken into consideration. The number of trees required for compensation is to be clearly identified on the drawing. The drawing is to be revised to include this information.</p>	<p>A note stating “To ensure that existing cover is maintained, the city requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed” has been added to the drawing along with the number of trees required.</p>
i)	<p>Species of 250B, 250F and 250G shall be changed to Tatarian Maple.</p> <p>Species of 250D shall be changed to Eastern redbud.</p>	<p>Related trees have been revised to the correct tree species. See L-TP2</p>

j)	<p>There are missing trees between Tree 250D and Tree 250E to be included in Tree Inventory Table – newly planted spring snow crab apple, in good condition and newly planted ivory silk lilac, in good condition.</p> <p>There are missing trees between Tree 250F and Tree 250G to be included in Tree Inventory Table – newly planted ivory silk lilac, in good condition and newly planted spring snow crab apple, in good condition.</p>	<p>The missing trees have been added in Tree Preservation Plan and Tree Inventory Table. See L-TP1 & L-TP2.</p>
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Sincerely,

HENRY KORTEKAAS & ASSOCIATES INC.



Tyler Main, B.L.A., ISA, O.A.L.A, C.S.L.A.
 President, Principal Landscape Architect