

Town of Newmarket

COMMITTEE OF THE WHOLE

Monday, November 25, 2013 at 1:30 PM Council Chambers

Agenda compiled on 25/11/2013 at 11:39 AM

### Additions & Corrections to the Agenda

Additional items to this Agenda are shown as (Added).

### **Declarations of Pecuniary Interest**

### **Presentations & Recognitions**

- 1. Mr. Daniele Zanotti, CEO, United Way of York Region to address the Committee p. 12 regarding the 2013 campaign, highlights of United Way activities and celebration of a strong partnership with the Town of Newmarket.
- 2. Mr. Paul Ferguson, President Newmarket Hydro Holdings Inc. to address the p. 14 Committee regarding the 2012 Annual General Meeting.

### Deputations

 (ADDED) Mr. Dave Sovran of the Glenway Preservation Association to address the Committee regarding Marianneville Developments Ltd. (Glenway) (Related to Item 22)

### **Consent Items**

 Correspondence from Radha Bhardwaj, Executive Director, AIDS Committee of p. 50 York Region requesting proclamation of December 1, 2013 as "World AIDS Day" in the Town of Newmarket.

a) THAT the correspondence dated October 23, 2013 from Radha Bhardwaj, Executive Director, AIDS Committee of York Region be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim December 1, 2013 as "World AIDS Day";

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca 5. Heritage Newmarket Advisory Committee Minutes of October 1, 2013. p. 52

The Heritage Newmarket Advisory Committee recommends:

a) THAT the Heritage Newmarket Advisory Committee Minutes of October 1, 2013 be received.

6. Newmarket Economic Development Advisory Committee Minutes of October 17, p. 58 2013.

The Newmarket Economic Development Advisory Committee recommends:

a) THAT the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 be received.

7. Item 1 of the Newmarket Economic Development Advisory Committee Minutes of October 17, 2013 regarding Intelligent Community; Broadband Strategy.

The Operational Leadership Team recommends:

a) THAT the following recommendations be referred to staff for further review and to report back, as appropriate.

The Newmarket Economic Development Advisory Committee recommends to Council:

a) THAT the Town of Newmarket consider a number of options to at least begin the process to build a high speed connection service within Newmarket along with business plans and implementation cases;

b) AND THAT with the assistance of the Shared Digital Infrastructure organization that the Regional Municipality of York be requested to supply information on what the Town of Newmarket can expect in terms of support in moving forward with high speed connectivity services.

8. Newmarket Public Library Board Minutes of September 18, 2013. p. 62

The Newmarket Public Library Board recommends:

a) THAT the Newmarket Public Library Board Minutes of September 18, 2013 be received.

9. a) Central York Fire Services - Joint Council Committee Minutes of October 1, p. 66 2013 and September 3, 2013 (including Closed Session Minutes).

The Central York Fire Services - Joint Council Committee recommends:

i) THAT Central York Fire Services - Joint Council Committee Minutes of October 1, 2013 and September 3, 2013 be received;

ii) AND THAT Central York Fire Services Joint Council Committee (Closed Session) Minutes of September 3, 2013 be received.

10. Development and Infrastructure Services Report - Engineering Services 2013-50 p. 78 dated October 17, 2013 regarding Foxtail Ridge - Parking Review. (Deferred from Committee of the Whole meeting of November 4, 2013)

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - ES 2013-50 dated October 17, 2013 regarding Foxtail Ridge - Parking Review be received and the following recommendation be adopted:

i) THAT the parking restrictions remain as existing.

11. Development and Infrastructure Services Report - Engineering Services 2013-51 p. 82 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-51 dated November 1, 2013 regarding Request for Final Acceptance and Assumption - Oxford Homes Residential Subdivision, Phase 1A be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of the Oxford Homes Residential Subdivision - Phase 1A as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT the securities be released as recommended by our Checking Consultant;

iii) AND THAT Ms. Angela Meyer of Oxford Homes (711371 Ontario Corp.) and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. be notified of these recommendations.

 Development and Infrastructure Services Report - Engineering Services 2013-52 p. 86 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-52 dated November 13, 2013 regarding Queen Street/Parkview Crescent (East Leg) - All Way Stop Review be received and the following recommendation be adopted:

i) THAT the existing stop control at the Queen Street and Parkview Crescent (east leg) remain as existing due to not meeting the warrants outlined in the Transportation Management Policy as approved by Town Council, and also due to safety concerns noted in Community Services Report - ES 2013-52, based on the Ministry of Transportation requirements.

13. Development and Infrastructure Services Report - Engineering Services 2013-53 p. 92 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-53 dated October 25, 2013 regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89be received and the following recommendation be adopted:

i) THAT the Town not proceed with a whistle ban proposal at the GO pedestrian crossing (mile 34.89) located at Deviation Road.

 Development and Infrastructure Services Report - Engineering Services 2013-54 p. 96 dated October 28, 2013 regarding the Traffic By-law (By-law 2011-24) -Housekeeping Amendments.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a)THAT Development and Infrastructure Services Report – ES2013-54 dated October 28, 2013 regarding Traffic By-law (By-law 2011-24) be received and the following recommendations be adopted:

i) THAT the definition of Personal Mobility Device be deleted, and the new definition be added;

Personal mobility device is a compact motorized transportation device used to allow greater freedom of movement. Personal mobility devices include forms like motorized wheel chairs, motorized mobility scooters, and Segways.

ii) AND THAT the errors noted in Appendix A of this report be amended with the recommended wording;

iii) AND THAT Gorham Street at Harry Walker Parkway, 1 way eastbound on Gorham Street in Schedule III (Stops Signs) be deleted, and that Harry Walker Parkway at Gorham Street be added to Schedule VIII (Signaled Intersections);

iv) AND THAT Schedule IX be amended by removing 'Lockwood Circle – North East' and removing 'Stonehaven Avenue & Kingsmere Avenue – South East', and adding 'Stonehaven Avenue & Kingsmere Avenue/Lockwood Circle – North East';

v) AND THAT the additional stop sign location in Appendix B be added to Schedule III (Stop Signs);

vi) AND THAT the necessary Bylaws be prepared and submitted to Council for their approval.

15. Development and Infrastructure Services Report - Engineering Services 2013-55 p. 102 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-55 dated October 29, 2013 regarding School Crossing Locations Request - Maple Leaf Public School be received and the following recommendation be adopted:

i) THAT the Maple Leaf Public School administration be forwarded a copy of this report and Council extract and be encouraged to pursue school bus options with the parents on the east side of Main Street North.

 Development and Infrastructure Services Report - Engineering Services 2013-56 p. 106 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1 - Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road.

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2013-56 dated November 7, 2013 regarding a Request for Final Acceptance and Assumption of Aboveground Works - Landmark Estates Residential Subdivision, Phase 1, Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road be received and the following recommendations be adopted:

i) THAT the request for final acceptance and assumption of aboveground works on Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road within the Landmark Estates Residential Subdivision -Phase 1 as shown on the attached map be finally accepted and assumed by the Town;

ii) AND THAT Mr. Tony Orsi of Landmark Estates (1209104 Ontario Ltd.) and Mr. Andrew Ip, P.Eng., of Masongsong Associates Engineering Ltd. be notified of these recommendations.

17. Development and Infrastructure Services Report - Planning and Building p. 110 Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-55 dated November 14, 2013 regarding Application for Zoning By-law Amendment - Main Street Clock Inc. be received and the following recommendations be adopted:

i) THAT the Application for Zoning By-law Amendment, as submitted by Main Street Clock Inc., for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Mr. Chris Bobyk, The Forrest Group, 590 Alden Road, Suite 211, Markham, ON LR 8N2 be notified of this action.

 Development and Infrastructure Services Report - Planning and Building p. 124 Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-58 dated November 14, 2013 regarding Heritage Designation - 27 Main Street North be received and the following recommendations be adopted:

i) THAT Council not proceed with the Heritage designation of the Murray House at 27 Main Street North;

ii) AND THAT Council withdraw the notice of intention to designate the property known as the Murray House at 27 Main Street North;

iii) AND THAT Bonseph (Tannery) Ltd., and 2213305 Ontario Inc., c/o Sterling Silver Development Corporation, Attention: Ken Kirsch, 53 The Links Road, Toronto, ON M2P 1T7 be advised of this decision;

iv) AND THAT Mr. Brian Feherty and Associates Ltd., 411 Queen Street, Newmarket, ON L3Y 2G9 be advised of this decision.

 Development and Infrastructure Services Report - Planning and Building p. 128 Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision - 292145 Ontario Limited be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision, as submitted by 292145 Ontario Limited for lands being composed of Part of Lot 89, Concession 1, E.Y.S. be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; iii) AND THAT Mr. Gary Templeton, Templeton Planning Ltd., 71 Tyler Street, Aurora, ON L4G 2N1 be notified of this action.

20. List of Outstanding Matters.

Recommendation:

a) THAT the list of Outstanding Matters be received.

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of

21. (ADDED) Joint CAO/Corporate Services Report - Financial Services 2013-50 p. 208 dated November 11, 2013 regarding the 2013 Audit.

The Chief Administrative Officer, the Commissioner of Corporate Services and the Director of Financial Services/Treasurer recommend:

a) THAT Joint CAO/Corporate Services Report - Financial Services 2013-50 dated November 11, 2013 regarding the 2013 Audit be received and the following recommendations be adopted:

i) THAT BDO Canada be appointed as the Town's auditors for 2013;

- ii) AND THAT the audit plan presented by BDO be received.
- 22. Note: The following report will be considered at 7:00 p.m. at the Newmarket p. 142 Theatre.

Development and Infrastructure Services Report - Planning and Building Services 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval - Marianneville Developments Ltd.(Glenway).

Recommendations:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment - D9NP1210, Zoning By-law Amendment - D14NP1210 and Draft Plan of Subdivision - D12NP1210 be received and the following recommendations be adopted:

i) THAT the applications for Official Plan Amendment - D9NP1210, Zoning Bylaw Amendment - D14NP1210 and Draft Plan of Subdivision - D12NP1210 submitted on April 20, 2012 be denied due to substantial unresolved technical issues regarding the proposed form of development as set out within this report.

ii) THAT the Without Prejudice Offer in the form as submitted on August 23, 2013 not be accepted.

iii) AND THAT Council direct staff and legal counsel to continue to work with the proponent, commenting agencies and the residents toward the resolution of issues in advance of the Ontario Municipal Board hearing scheduled for December 10, 2013 and an eight week Hearing commencing March 3, 2014 with a view of resolving such issues. Any changes to the issues will be reported to Council, parties and participants.

### Action Items

### **Correspondence & Petitions**

- Correspondence dated October 19, 2013 from Mr. Jeff Brown, Glenway p. 206 Community Group regarding the Glenway development application. (Related to Item 22)
- 24. (ADDED) Memorandum from Ms. Ruth Victor, Ruth Victor and Associates dated p. 221 November 15, 2013 regarding Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval Marianneville Developments Limited (Glenway) - Responses. (Related to Item 22)
- (ADDED) Memorandum from Director of Planning and Building Services dated p.229 November 22, 2013 regarding Development and Infrastructure/Planning and Building Services report 2013-55, Application for Zoning By-law Amendment 178, 180, 184, 188, 190 and 194 Main Street. (Related to Item 17)
- 26. (ADDED-2) Sub-Committee Report Heritage Newmarket Advisory Committee p.230 regarding Clock Tower Development Re-zoning Request. (Related to Item 17)
- 27. (ADDED-2) Correspondence dated November 24, 2013 from Mr. Gord Tozer p.256 regarding Marianneville Developments Ltd. (Glenway). (Related to Item 22)
- 28. (ADDED-2) Correspondence dated November 25, 2013 from Mr. and Mrs. B. p.258 Gard regarding Marianneville Developments Ltd. (Glenway). (Related to Item 22)
- 29. (ADDED-2) Correspondence dated November 24, 2013 from Mr. Brian Greiner p.260 regarding Marianneville Developments Ltd. (Glenway). (Related to Item 22)

### **Reports by Regional Representatives**

### **Notices of Motion**

### Motions

30. Councillor Emanuel:

a) THAT Development and Infrastructure Services/Planning and Building Services Report 2013-47 dated October 15, 2013 regarding Application for Official Plan Amendment - D9NP1210; Zoning By-law Amendment - D14NP1210; and Draft Plan of Subdivision - D12NP1210 be received and the following recommendations be adopted:

i) THAT the applications for Official Plan Amendment - D9NP1210, Zoning Bylaw Amendment - D14NP1210 and Draft Plan of Subdivision - D12NP1210 submitted on April 20, 2012 be denied.

ii) THAT the Without Prejudice Offer in the form as submitted on August 23, 2013 not be accepted.

iii) AND THAT the Council direct staff to advise the Ontario Municipal Board that the Town will be seeking consideration for a two-staged hearing process that would first allow for discussion and ruling on the principle of development.

iv) AND THAT Council direct staff to engage outside legal/planning counsel who have Ontario Municipal Board expertise and experience in defending the principles of development. (Related to Item 22)

31. (ADDED) Regional Councillor Taylor:

a) THAT staff bring back a report to Committee of the Whole within 120 days exploring a change to our procurement process to include recognition/points in our tendering process recognizing the environmental benefit of the bidders' proximity to Newmarket. The report should include any examples in Canada of municipalities currently engaged in recognizing the benefit of local procurement as well as an analysis of all relevant issues.

### New Business

### **Closed Session**

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

- 32. (ADDED) Newmarket Tay Power Distribution Ltd. Report of the President dated November 1, 2013 regarding Director Search. (Personal matters about an identifiable individual, including municipal employees or local board employees)
- 33. (ADDED) Marianneville Developments Ltd. (Glenway) (Ward 7) (Litigation matters before administrative tribunals)

### Public Hearing Matters

### Adjournment



TOWN OF NEWMARKET Legislative Services Department 395 Mulcok Drive www.newmarket.ca P.O. Box 328 clerks@newmarket.ca Newmarket. ON L3Y 4X7 905.895.5193

### Request for Deputation

Request for deputation and/or any written submissions and background information for consideration by either Council or Committee of the Whole must be submitted to the Legislative Service's Department by the following deadline:

For Council – by 12 noon on the Wednesday immediately prior to the requested meeting.

For Committee of the Whole (for items not on the agenda) – by 12 noon on the Wednesday twelve days prior to the requested meeting.

### PLEASE PRINT

COUNCIL/COMMITTEE DATE: Monday, November 25 2013	
AGENDA ITEM NOSUBJECT: Campaign 2013	
NAME: Daniele Zanotti, CED	
ADDRESS: 80F Centurian Drive, Suite 200	
Machan L3R 8C1	
Town/City Postal Corls	
PHONE: HOME: BUSINESS.	
And the second sec	
FAX NO.: -MAIL ADDRESS:	
FAX NO.: MAIL ADDRESS:	
FAX NO.: MAIL ADDRESS:	
FAX NO.: MAIL ADDRESS: NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable) United Way York Legion	
FAX NO.: MAIL ADDRESS: NAME OF GROUP OR PERSON(S) BEING REPRESENTED (If applicable) United Way York Region BRIEF STATEMENT OF ISSUE OR PURPOSE OF DEPUTATION	1445.54

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended, Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100.

# **Newmarket Hydro Holdings Inc.**

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# 2012 Annual General Meeting

# A Very Busy Year

- Energy Board Policy
- New rate setting regime
- Government Policy
- Long-term Energy Plan
- New Conservation and Demand Management Framework
  - Regional Energy Supply Planning
    - Strategic Initiatives
      - "G8" Collaberative
        - Newmarket-Tay
- Greater Sudbury Hydro
- Bluewater Power (Sarnia)
- Niagara-On-The-Lake Hydro St. Thomas Energy
  - - North Bay Hydro
- Northern Ontario Wires (Cochrane)
  - PUC Distribution (Sault Ste. Marie)

### The G8

- Alternative services delivery
- Targeted services that achieve savings and deliver local benefits while avoiding the expense and pitfalls of consolidation

### A Very Successful Year **Our Customers**

- 95% of our customers are very or fairly satisfied with our service
- Our customer experience performance is 87%
- National benchmark 83%
  - Ontario benchmark 83%
- Our customer engagement index is 85%
- National benchmark is 81%
- Ontario benchmark is 81%
- One of the best results in Ontario!

### A Very Successful Year In the Community

Major support for

- Salvation Army
- Southlake Health
- Paediatric Oncology Clinic
  - Festival of Trees
    - Golf Tournament
      - **Belindas Place**
- Town
- First Night
- Team sponsorships in hockey, baseball, soccer
  - Arts Gala
- \$5,000 annually in student scholarships
  - Junior Achievement
- Since 2008, Newmarket-Tay has sponsored and mentored 100 students in the JA Company Program generating a \$765,000 societal impact based on findings by the Boston Consulting Group

## A Very Successful Year Audit Report

- Audit Opinion
- The opinion was unqualified or a "clean opinion" was expressed
- Statements are free of material misstatements and can be relied upon

# A Very Successful Year Dividends

## **Dividend Policy**

- Shareholder payments based on:
- 100% of Promissory Note interest at OEB prescribed interest rate
- 60% of regulatory net income based on 60/40 debt equity split
- Retained earnings used for investment in rate base
- Fixed Assets including
- viva project
- Asset management

# Dividend Projection - Newmarket

		NT Power Payment Projection Newmarket Shareholder 93% Shareholding, \$22M P Note Debt/Equity = 60/40	Power Payment Projection Newmarket Shareholder Shareholding, \$22M P Not Debt/Equity = 60/40	n ote	
	OEB Income (%)	<b>2011</b> (Payable in 2012)	<b>2012</b> (Payable in 2013)	<b>2013</b> (Payable in 2014)	<b>2014</b> (Payable in 2015)
Dividend	9'66	1,336,000	1,336,000	1,336,000	1,336,000
Other Dividend		214,285	0	0	0
P Note Interest	5.48	1,205,600	1,205,600	1,205,600	1,205,600
Other <sup>[1]</sup>	N/A	270,000	275,000	275,000	275,000
Total	I	3,025,885	2,816,600	2,816,600	2,816,600

11 Rent on Steven Court facility

## Value of the Investment A Very Successful Year

- Last DCF valuation put the value north of \$75 Million
- Replacement amount of principal so that it is held The value to the Municipality should be the harmless on a cash flow basis.
- NT power pays a minimum of \$1.437 million in Dividends
- NT power pays a minimum of \$1.301 million in interest payments on the Municipal Promissory Notes
  - Initial investment in 2000 \$25 million
- 2013 Replacement value over \$200 million

### CONSOLIDATED FINANCIAL STATEMENTS OF

### NEWMARKET HYDRO HOLDINGS INC.

December 31, 2012

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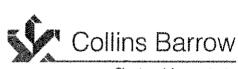
### INDEPENDENT AUDITORS' REPORT

### FINANCIAL STATEMENTS

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**Chartered Accountants** 

Collins Barrow Kawarthas LLP 272 Charlotte Street Peterborough, Ontario K9J 2V4

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T. 705.742.3418 F. 705.742.9775

INDEPENDENT AUDITORS' REPORT

To the Shareholder of Newmarket Hydro Holdings Inc.

### Report on the Consolidated Financial Statements

We have audited the accompanying consolidated financial statements of Newmarket Hydro Holdings Inc., which comprise the consolidated balance sheet as at December 31, 2012, and the consolidated statements of retained earnings, income and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### Management's Responsibility for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian generally accepted accounting principles, and for such internal controls as management determines are necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

### Auditors' Responsibility

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditors' judgement, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal controls relevant to the Company's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of Newmarket Hydro Holdings Inc. as at December 31, 2012, and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

Collins Barrow Kawarthas LLP

Chartered Accountants Licensed Public Accountants

Peterborough, Ontario April 24, 2013

BAKER TILLY

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CONSOLIDATED BALANCE SHEET As at December 31, 2012

	2012 \$	2011 \$
ASSETS	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	
Cash	7 040 400	6 000 064
Short-term investments (note 3)	7,943,135	5,380,954
Accounts receivable	3,339,347 8,947,648	3,165,825 8,126,106
Unbilled revenue	8,525,292	9,527,083
Inventory	947,105	832,962
Prepaid expenses	395,761	367,957
Income taxes receivable	915,112	796,050
	31,013,400	28,196,937
Other assets		
Property, plant and equipment (note 4)	53,885,877	51,628,503
Future income taxes (note 13)	3,560,000	3,970,000
	57,445,877	55,598,503
	88,459,277	83,795,440
Current liabilities		
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held	10,639,451 87,412 325,000	87,412
Accounts payable and accrued liabilities (note 5) Due to shareholder	87,412	87,412 325,000
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held	87,412 325,000	87,412 325,000
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held	87,412 325,000	87,412 325,000 11,149,182
Accounts payable and accrued liabilities (note 5) Due to shareholder	87,412 325,000 11,051,863	87,412 325,000 11,149,182 24,742,821
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6)	87,412 325,000 11,051,863 24,742,821	87,412 325,000 11,149,182 24,742,821 3,044,384
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held	87,412 325,000 11,051,863 24,742,821 3,096,717	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held Employee future benefits (note 7)	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held Employee future benefits (note 7)	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572 4,739,270	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527 30,328,073
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held Employee future benefits (note 7)	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572 4,739,270 33,638,380	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527 30,328,073 41,477,255
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held 	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572 4,739,270 33,638,380 44,690,243	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527 30,328,073 41,477,255
Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held Employee future benefits (note 7) Deferral accounts (note 8)	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572 4,739,270 33,638,380 44,690,243	87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527 30,328,073 41,477,255 2,815,394
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Accounts payable and accrued liabilities (note 5) Due to shareholder Current portion of deposits held .ong-term liabilities Long-term debt (note 6) Deposits held Employee future benefits (note 7) Deferral accounts (note 8) 	87,412 325,000 11,051,863 24,742,821 3,096,717 1,059,572 4,739,270 33,638,380 44,690,243 2,896,574 29,609,342	10,736,770 87,412 325,000 11,149,182 24,742,821 3,044,384 874,341 1,666,527 30,328,073 41,477,255 2,815,394 29,609,342 9,893,449 39,502,791

The accompanying notes are an integral part of these financial statements



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### **NEWMARKET HYDRO HOLDINGS INC.** CONSOLIDATED STATEMENT OF RETAINED EARNINGS For the year ended December 31, 2012

	2012 \$	2011 \$
Retained earnings - beginning of year	9,893,449	8,810,548
Net income for the year	2,821,669	2,680,401
Dividends (note 12)	(1,452,000)	(1,597,500)
Retained earnings - end of year	11,263,118	9,893,449

The accompanying notes are an integral part of these financial statements



### CONSOLIDATED STATEMENT OF INCOME

For the year ended December 31, 2012

₩₩₩₩ ₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩	2012	2011
	<u>\$</u>	\$
Sales		
Service revenue (note 8)	13,079,618	16,286,474
Cost of power revenue	58,954,390	57,184,583
Other operating income	1,126,208	925,702
Investment income	59,931	69,485
Interest income	164,521	100,474
	73,384,668	74,566,718
Cost of power purchased	58,954,390	57,184,583
Gross profit	14,430,278	17,382,135
Expenses		
Amortization	2,661,719	4,562,377
Administration	2,641,334	2,817,670
System operation and maintenance	2,239,264	2,133,357
Customer billing and collecting	1,925,847	1,810,613
Interest on long-term debt	1,331,890	1,344,984
	10,800,054	12,669,001
Income before undernoted items and income taxes	3,630,224	4,713,134
Other income (expense) Non-controlling interest (note 10)	(81,180)	(75,136)
Gain (loss) on disposal of property, plant and equipment	179,701	(489,840)
	98,521	(564,976)
Income before income taxes	3,728,745	4,148,158
Provision for income taxes (note 13)	497,076	1,217,757
Current	410,000	250,000
	907,076	1,467,757
Net income for the year	2,821,669	2,680,401

The accompanying notes are an integral part of these financial statements



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### CONSOLIDATED STATEMENT OF CASH FLOWS

For the year ended December 31, 2012

	2012 \$	.2011 \$
CASH PROVIDED FROM (USED FOR)		
Operating activities		
Net income for the year Items not affecting cash	2,821,669	2,680,401
Amortization	2,661,719	4,562,377
Future income taxes	410,000	250,000
Loss (gain) on disposal of property, plant and equipment	(179,701)	489,840
Employee future benefits	185,231	55,299
Increase in non-controlling interest (note 10)	81,180	75,136
	5,980,098	8,113,053
Change in non-cash working capital items (note 14)	(299,268)	(1,742,125)
	5,680,830	6,370,928
Investing activities		
Purchase of property, plant and equipment	(6,334,839)	(5,192,680)
Proceeds on disposal of property, plant and equipment	1,595,447	16,792
Deferral accounts	3,072,743	1,091,595
	(1,666,649)	(4,084,293)
Financing activities		
Proceeds of long-term debt	*	1,000,000
Dividends paid	(1,452,000)	(1,597,500)
	(1,452,000)	(597,500)
Increase in cash	2,562,181	1,689,135
Cash - beginning of year	5,380,954	3,691,819
₩₩₽₽₩₩₽₽₽₽₩₩₩₩₩₩₩₽₩₽₩₩₽₩₩₽₩₩₩₩₩₩₩₩₩₩₩₩	****	

The accompanying notes are an integral part of these financial statements

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NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

### 1. NATURE OF OPERATIONS

Newmarket Hydro Holdings Inc. ("the Company") was incorporated April 10, 2000 under the Business Corporations Act of the Province of Ontario. The Company commenced operations on November 1, 2000. Newmarket Hydro Holdings Inc. is wholly-owned by the Town of Newmarket.

The principal activity of the Company is to distribute electricity to the residents and businesses in the Town of Newmarket and the Township of Tay under a licence issued by the Ontario Energy Board (OEB). The Company is regulated by the OEB and adjustments to its distribution rates require OEB approval.

### 2. SIGNIFICANT ACCOUNTING POLICIES

(a) Consolidation

These financial statements have been prepared in accordance with Canadian generally accepted accounting principles ("GAAP"). The consolidated financial statements include the accounts of its subsidiary, Newmarket-Tay Power Distribution LTD. Tay Hydro Inc. has a 7% interest in Newmarket-Tay Power Distribution Ltd.

(b) Electricity regulation

The Company is subject to rate regulation by the Ontario Energy Board (OEB). The OEB is charged with the responsibility of approving rates for the transmission and distribution of electricity. The following regulatory policy is practiced in a rate regulated environment:

Deferral accounts

Deferral accounts consist of deferred qualifying transition costs and various rate and retail variance accounts. Deferral accounts include amounts recoverable and repayable. The amounts included in these accounts are deferred for accounting purposes because it is probable that they will be recovered (repaid) in future rates. Deferral accounts recognized at December 31, 2012 are disclosed in note 8. The Company continually assesses the likelihood of the recovery of recoverable assets. If recovery is no longer considered probable, the amounts are charged to operations in the year the assessment is made.

(c) Cash

Cash in bank deposit accounts, at times, exceeds federally insured limits. The Company has not experienced any losses in such accounts and believes it is not exposed to any significant credit risk on cash.

(d) Short-term investments

Investments are recorded at fair value. Unrealized gains and losses as a result of fair value adjustments at year end are included in investment income for the year.

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### 2. SIGNIFICANT ACCOUNTING POLICIES, continued

(e) Inventory

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Inventory is valued at the lower of cost and net realizable value with cost being determined on a weighted average basis.

(f) Property, plant and equipment

Property, plant and equipment are recorded at cost. The Company provides for amortization using the straight-line method at rates designed to amortize the cost of the property, plant and equipment over their estimated useful lives. The annual amortization rates are as follows:

Buildings	25 to 30 years
Transmission and distribution	40 to 50 years
Office and computer equipment	5 to 10 years
Leasehold improvements	7 years
Computer software	3 to 5 years
Operational equipment	10 to 15 years
Transportation equipment	5 to 10 years
Land rights	30 years

Contributions for capital construction consist of third party contributions toward the cost of constructing distribution assets. The third party contribution is calculated through an economic evaluation as per the OEB Distribution Service Code. Contributed capital amounts are recorded as received and amortized over the same period as the asset to which they relate being 30 to 50 years.

### (g) Related party transactions

Related party transactions are in the normal course of operations and have been measured at the exchange amount which is the amount of consideration established and agreed to by the related parties. Details of related party transactions and balances are disclosed in note 9.

### (h) Employee future benefits

The Company pays certain health, dental and life insurance benefits on behalf of its retired employees. The Company recognizes these post-retirement costs in the period in which the employees earn the benefits. The cost of employee future benefits earned by employees is actuarially determined using the projected benefit method prorated on length of service and management's best estimate of salary escalation, retirement ages of employees, employee turnover and expected health and dental care costs. The most recent actuarial valuation of the obligation was performed for December 31, 2012. Details related to the post-employment benefits are detailed in note 7.



### 2. SIGNIFICANT ACCOUNTING POLICIES, continued

### (i) Income taxes

Under the Electricity Act, 1998, the Company is required to make payments in lieu of income taxes (PILS) to the Ontario Electricity Financial Corporation (OEFC). Future income taxes are calculated using the liability method of tax accounting. In providing for corporate income taxes, temporary differences between the tax basis of assets or liabilities and their carrying amounts are reflected as future income taxes. The tax rates anticipated to be in effect when these temporary differences reverse are used to calculate future income taxes. Additional details related to the calculation and method of accounting for PILS is included in note 13.

### (j) Management estimates

The preparation of financial statements in accordance with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the consolidated financial statements, and the reported amounts of revenues and expenses during the reporting period.

Key areas where management has made complex or subjective judgments (often as a result of matters that are inherently uncertain) include, among others, the fair value of certain assets, useful lives of capital assets, impairment of assets, inventory provisions, amortization, revenues, allowance for doubtful accounts, environmental and asset retirement obligations, post-retirement benefits and income taxes. Actual results could differ from these and other estimates, the impact of which would be recorded in future periods.

### (k) Revenue recognition

Service revenue is recorded on the basis of regular meter readings and estimated customer usage since the last meter reading date to the end of the period. The related cost of power revenue is recorded on the basis of the power billed by the Independent Electricity System Operator. Other operating revenue is recorded when services are provided.

### (I) Asset retirement obligations

Canadian generally accepted accounting principles require the Company to determine the fair value of the future expenditures required to settle legal obligations to remove fixed assets on retirement. If reasonably estimable, a liability is recognized equal to the present value of the estimated future removal expenditures.

Some of the Company's assets may have asset retirement obligations. As the Company expects to use the majority of its fixed assets for an indefinite period, no removal costs can be determined and, consequently, a reasonable estimate of the fair value of any asset retirement obligations has not been made at this time.



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### **NEWMARKET HYDRO HOLDINGS INC.** NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

### 2. SIGNIFICANT ACCOUNTING POLICIES, continued

### (m) International Financial Reporting Standards (IFRS)

On February 13, 2008 the Accounting Standards Board (AcSB) confirmed that IFRS will be required to be adopted by publicly accountable enterprises and certain government enterprises for annual reporting purposes for fiscal years beginning on or after January 1, 2012. On September 10, 2011 the AcSB granted an optional one year deferral of IFRS adoption for entities subject to rate regulation. Subsequent to this, through a series of additional one year extensions, the mandatory change over date for entities with rate regulated activities has been extended to January 1, 2015. At its December 2012 meeting, the International Accounting Standards Board (IASB) decided to develop an interim IFRS on rate regulated activities that "grandfathers" existing recognition and measurement policies. The Company has elected to continue the deferral of transition to IFRS, pending resolution of these matters before the (IASB).

The Company is continuing to assess the financial reporting impacts of the adoption of IFRS and, at this time, the impact on future financial position and results of operations is not reasonably determinable. The company does anticipate a significant increase in disclosure resulting from the adoption of IFRS and is continuing to assess the level of disclosure required and any necessary system changes to gather and process the information. The impact of new IFRS standards and interpretations not yet effective has also not been assessed.

### 3. SHORT-TERM INVESTMENTS

	2012 \$	2011 \$
Bond	500,000	1,000,000
Mutual bond fund	2,839,347	2,165,825
	3,339,347	3,165,825

The bond is at a rate of 3.95% (2011 - 3.7% and 3.95%) and is due January 21, 2013.



### NEWMARKET HYDRO HOLDINGS INC. NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

### 4. PROPERTY, PLANT AND EQUIPMENT

	Cost \$	Accumulated amortization \$	2012 Net book value \$	2011 Net book value \$
Land	3,612,170	*	3,612,170	3,141,958
Buildings	281,705	79,057	202,648	206,923
Transmission and distribution	92,507,913	45,758,501	46,749,412	45,080,715
Office and computer equipment	735,143	340,603	394,540	440,345
Leasehold improvements	1,012,021	493,137	518,884	570,931
Computer software	884,545	371,548	512,997	591,884
Operational equipment	696,752	420,818	275,934	288,996
Transportation equipment	2,969,573	1,760,532	1,209,041	880,150
Land rights	510,698	100,447	410,251	426,601
	103,210,520	49,324,643	53,885,877	51,628,503

During the current year, the Company changed the rates designed to amortize the cost of the property, plant and equipment over their estimated useful lives. This change decreased current year amortization expense by \$1,932,487.

### 5. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

6.

	2012 \$	2011 \$
	~~+ <i>~</i> +^~	
Accounts payable - purchased power	3,745,467	4,202,884
Other accounts payable and accrued liabilities	3,695,718	3,585,653
Water and sewer billings payable	1,704,054	1,418,090
Credits on customer accounts	901,976	1,125,084
Independent Electric System Operator	75,198	75,198
OPA program payable	517,038	329,861
	10,639,451	10,736,770
LONG-TERM DEBT		
	2012	2011
LONG-TERM DEBT	2012 \$	2011 \$
	\$	\$
Note payable, 5.48% - Town of Newmarket	\$	\$
Note payable, 5.48% - Town of Newmarket Note payable, 5.48% - Township of Tay	\$ 22,000,000 1,742,821	\$ 22,000,000 1,742,821
Note payable, 5.48% - Town of Newmarket	\$	\$



### 6. LONG-TERM DEBT, continued

The notes are unsecured and have no specific terms of repayments. Since the holders of the notes have indicated that it is not their intention to request payment of this amount during the next fiscal year, this amount has been classified as a non-current liability in the accompanying financial statements.

The committed term facility was drawn for the purpose of the purchase of smart meters. The Company is required to make monthly interest payments only with 100% of the remaining balance due December 31, 2014. At December 31, 2012 the Company was in compliance of all covenants.

### 7. EMPLOYEE FUTURE BENEFITS

The Company provides certain health, dental and life insurance benefits for retired employees pursuant to the Company's policy. The accrued benefit obligation and net periodic expense for the year were determined by actuarial valuation. The most recent valuation was performed for December 31, 2012.

The unamortized past service cost obligation resulting from the inclusion of the former Tay Hydro Electric Distribution Company Inc. employees in the plan, is being amortized over the remaining service life of those employees, being 11 years with 6 years remaining to be amortized.

Significant actuarial assumptions employed for the valuations are as follows: future general inflation level of 2.5%, discount rate of 3.9%, salary and wage level increases at 3.3% per annum. A 7.63% annual increase in the per capita cost for health benefits was used for 2012. This rate will increase to 8% for 2013; and decrease to 7.47% for 2014; 6.93% for 2015; 6.4% for 2016; 5.87% for 2017; 5.33 for 2018; 4.8% for 2019 and thereafter. A 5% annual rate of increase in the per capita cost of covered dental costs was used for 2012. This rate will increase to 6.88% for 2013; 6.5 for 2014; 6.13% for 2015; 5.75% for 2016; 5.38% for 2017; 5.0% for 2018 and thereafter. Information about the Company's defined benefit plan is included in the table which follows.

	2012	2011
<u></u>	5	\$
Accrued Benefit Obligation, beginning of period	874,341	819,042
Current service cost	147,561	83,687
Amortization of past service costs	13,204	13,204
Benefits paid	(33,422)	(41,592
Actuariai loss	57,888	
	1,059,572	.874,341
Unamortized past service costs	70,421	83,625
	1,129,993	957,966

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### NEWMARKET HYDRO HOLDINGS INC. NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

### 8. DEFERRAL ACCOUNTS

As described in note 2(b) the Company has recorded the following deferral accounts:

	2012 \$	2011 \$
Deferral accounts approved for recovery Recovered to date	2,130,324 (2,678,320)	2,096,502 (1,822,067)
Repayment - payment in lieu deferral account	(1,333,036)	
	(1,881,032)	274,435
Power purchased for resale Smart meters	(819,156) (380,407)	(1,517,396) (402,035)
Change in useful life of property, plant and equipment Retail settlements and other	(1,762,969) 104,294	(21,531)
	(4,739,270)	(1,666,527)

Pursuant to The Ontario Energy Board Decision on EB 2011-0184 the Company is returning an unintentional over collection of charges related to Payments in Lieu of Taxes. These charges were collected from 2002 to 2006. The repayment of the amounts due will continue through the 2014 fiscal year.

In addition, as indicated in note 4, the Company has adjusted the estimate useful life related to the amortization period for certain capital assets, based upon the Ontario Energy's Board regulatory accounting direction as contained in the revised 2012 Accounting Procedures Handbook for Electricity Distributors. As a result of OEB direction related to the settlement of these amounts, the Company has recorded a payable in the deferral account of \$1,762,969 and a reduction in service revenue.

### 9. ADVANCES FROM RELATED PARTIES AND RELATED PARTY TRANSACTIONS

(a) During the year, the Company entered into transactions with its majority parent, Newmarket Hydro Holdings Inc. (NHHI) and with The Town of Newmarket which is the sole shareholder of Newmarket Hydro Holdings Inc. Revenue charged during the year included energy, street light capital and street light maintenance charged at commercial rates to the Town of Newmarket.

Included in accounts payable (note 5) are water and sewer amounts collected which are due to the Town. These amounts are collected and remitted in accordance with a contract with URB Olameter and remitted on their behalf.

Included in long term debt (note 6) are notes payable to related parties.

(b) Transactions

These transactions are measured at the exchange amount, which is the amount of consideration established and agreed to by the related parties.



### 9. ADVANCES FROM RELATED PARTIES AND RELATED PARTY TRANSACTIONS continued

(b) Transactions, continued

	2012	2011
	\$	.\$
Revenue		
Energy sales	3,642,968	3,247,808
Services - Street light capital	4 097	12,191
Services - Street light maintenance	267,809	267,809
	3,914,874	3,527,808
Expenses		
Interest	1,205,600	1,246,300
Rent, property tax and other	382,244	390,371
<b>₩₩₩₩₽₽₽₽₽₽₽₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩</b>	1,587,844	1,636,671
The following amount is due from the Town of Newmarke statements:	t and included	in the financia
₩ <i>₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩</i>	2012	2011
	\$	\$
Accounts receivable	318,309	345,379
I-CONTROLLING INTEREST		
changes in non-controlling interest consist of:		

	2012 \$	2011 \$
Balance - beginning of the year Proportional share of income Proportional share of dividends paid	2,815,394 197,180 (116,000)	2,740,258 186,636 (111,500)
Balance - end of the year	2,896,574	2,815,394

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# NEWMARKET HYDRO HOLDINGS INC. NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

#### 11. SHARE CAPITAL

Authorized

Unlimited number of common shares

Issued

	2012 \$	2011 \$
201 common shares	29,609,342	29,609,342

#### 12. DIVIDENDS

During the year the Company declared and paid \$1,452,000 of dividends. An additional \$214,285 was declared and paid, however, was loaned to Newmarket-Tay Power Distribution LTD, and eliminated upon consolidation. \$116,000 of this amount was charged against the non-controlling interest as described in note 10.

#### 13. INCOME TAXES

#### a) The components of future income tax balances are as follows:

	2012 \$	2011 \$
Future income tax asset		
Tax basis of equipment in excess of carrying amount	2,957,000	3,414,000
Reserves deductible when paid	313,000	247,000
Cumulative eligible capital available for tax purposes	290,000	309,000
<sup>*</sup> *###################################		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	3,560,000	3,970,000



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# 13. INCOME TAXES, continued

b) The provision for income taxes recorded in the financial statements differs from the amount which would be obtained by applying the statutory income tax rate of 26.5% (2011 - 31%) to the income for the years as follows:

	2012 \$	2011 \$
Income for the year before income taxes	3,729,000	4,148,000
Anticipated income tax expense	988,185	1,285,880
Effect of items not deductible for tax purposes Impact of tax rate changes and other	3,975 (85,084)	8,475 <u>173,402</u>
Income tax expense	907,076	1,467,757
STATEMENT OF CASH FLOWS		
· · · · · · · · · · · · · · · · · · ·	2012 \$	2011 \$
Increase in short-term investments	(173,522)	(130,978
Increase in accounts receivable	(821,542)	(1,320,496
Decrease in unbilled revenue	1,001,791	369,360
Increase in inventory	(114,143)	(131,708
Increase in prepaid expenses	(27,804)	(244,417 (448,279
Increase in income taxes receivable Increase (decrease) in accounts payable and accrued liabilities	(119,062) (97,319)	673,528
Increase (decrease) in deposits held	52,333	(509,135
yan'i aina izana mija mina minani yan ina ina kana na mana ina mana mana mana mana mana	(299,268)	(1,742,125
Internet noid	1,352,638	1,344,984
Interest paid Income taxes paid	1,213,600	1,714,036



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#### 15. SHORT TERM CREDIT FACILITIES

The Company has \$3,500,000 available in operating facilities from a major chartered bank. The facilities are 364 day revolving operating loan, bearing interest at prime plus 0.5%, to be repaid within one year from date of acquisition unless extended by the bank. A standby fee of 10 basis points, payable quarterly in arrears applies to any unused portion of the facility. As at the balance sheet date, the Company has no balance outstanding on this facility. The operating loan includes restrictive clauses with respect to repayment.

In addition, the Company has provided prudential support in the amount of \$2,765,940 to the Independent Electricity System Operator. The prudential support is secured by a letter of credit with a major chartered bank for \$2,765,940 and contains restrictive clauses with respect to debt repayments.

A general security agreement covering all assets of the Company has been pledged as security for the operating loans and term facility.

#### 16. PENSION AGREEMENT

The Company makes contributions to the Ontario Municipal Employees' Retirement Fund (O.M.E.R.S.), which is a multi-employer plan, on behalf of its employees. The plan is a defined benefit plan which specifies the amount of retirement benefits to be received by the employees based on the length of service and rates of pay.

The amount contributed to O.M.E.R.S. for the year ended was \$386,294 (2011 - \$331,096).



# 17. CAPITAL DISCLOSURES

The Company's primary objective when managing capital is to address the expectations as provided in the Shareholder Agreement between the Company's parent company, Newmarket Hydro Holdings Inc. and its shareholder, the Town of Newmarket. The expectation is that the Company will maintain a prudent financial structure in order to safeguard the Company's assets and to provide adequate returns for its shareholders and benefits to the stakeholders.

The Ontario Energy Board sets rates based on a deemed capital structure of 60% debt and 40% equity.

Changes to the Company's capital structure are constrained by existing covenants contained in the banking agreement. The Company must maintain a maximum debt to capitalization ratio of 0.60 to 1 and maintain a debt service coverage ratio of 1.2.

***************************************	2012 \$	2011 \$
Long-term debt	24,742,821	23,742,821
1074 Mar 19 Mar	24,742,821	23,742,821
	2012 \$	2011 \$
Share capital Retained earnings Non-controlling interest	29,609,342 11,263,118 2,896,574	29,609,342 9,893,449 2,815,394
	43,769,034	42,318,185

The Company's current capital structure is defined as follows:



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#### 18. FINANCIAL INSTRUMENTS

Financial instruments consist of recorded amounts of cash, mutual funds, bonds, accounts receivable and unbilled revenue which will result in future cash receipts, as well as accounts payable and accrued liabilities, customer deposits, accounts payable and accruals, advances payable and long term debt which will result in future cash outflows.

The Company does not believe that it is exposed to significant foreign exchange risk.

The Company is exposed to the following risks in respect of certain financial instruments held:

(a) Fair value

The carrying value of the accounts receivable and accounts payable and accrued liabilities approximate their fair value due to their short-term nature.

The short-term investments are carried at fair value, with changes in value recognized in income in the year.

The fair value of the advances from parent company detailed in note 9 are less than carrying value, as the amounts have no terms of repayment, the fair value cannot be calculated with any degree of certainty.

The carrying value of long-term debt approximates the fair value as the interest rates are consistent with the current rates offered to the Company for debt with similar terms.

(b) Interest rate risk

The Company manages its exposure to interest rate risk through a combination of fixed and floating rate borrowings. The fixed rate debt (note 6) is subject to interest rate price risk, as the value will fluctuate as a result of changes in market rates. The floating rate credit facility (note 15) is subject to interest rate cash flow risk, as the required cash flows to service the debt will fluctuate as a result of changes in market rates.

(c) Credit risk

Credit risk arises from the potential that a counter party will fail to perform its obligations. The Company is exposed to credit risk from customers. However, the Company has a significant number of customers which minimizes the concentration of credit risk. An allowance for collection of doubtful accounts in the amount of \$214,867 (2011 -\$211,474) has been recor

(d) Market risk

The securities held as short term investments exposes the company to market risk due to the potential for changes in market prices.



#### 18. FINANCIAL INSTRUMENTS, continued

. . . .

(e) Liquidity risk

The Company does have a liquidity risk in the accounts payable and accrued liabilities of \$10,639,451 (2011 - \$10,736,770). Liquidity risk is the risk that the Company cannot repay its obligations when they become due to its creditors. The Company reduces its exposure to liquidity risk by ensuring that it documents when authorized payments become due; maintains an adequate line of credit to repay trade creditors and repays long term debt interest and principal as they become due. In the opinion of management the liquidity risk exposure to the Company is low and is not material.

#### 19. COMMITMENTS

The company has an operating lease agreement with the Town of Newmarket, expiring December 31, 2017 for the rental of the building. Minimum lease payments over the next five year period under this commitment are as follows;

	·\$
2013	275,000
2014 2015	275,000 275,000
2016	275,000
2017	275,000
	1,375,000



#### **NEWMARKET HYDRO HOLDINGS INC.** NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS For the year ended December 31, 2012

#### 20. CONTINGENCIES

(a) In the normal course of business, the Company enters into agreements that meet the definition of a guarantee. The guarantees include indemnities under lease agreements, purchase and sale agreements, confidentiality agreements, outsourcing, service and information agreements. The nature of these indemnification agreements prevents the Company from making a reasonable estimate of the maximum exposure due to the difficulties in assessing the amount of liability related to the likelihood and predictability of future events. Historically, the Company has not made any significant payments under similar indemnification agreements and therefore no amount has been accrued in the balance sheet with respect to these agreements.

(b) Indemnity has been provided to all directors and/or officers of the Company for various items including, but not limited to, all costs to settle suits or actions due to association with the Company, subject to certain restrictions. The Company has purchased directors' and officers' liability insurance to mitigate the cost of any potential suits or actions. The amount of any potential future liability which exceeds the amount of insurance coverage cannot reasonably be determined.

(c) The Company participates with other municipal utilities in Ontario in an agreement to exchange reciprocal contracts of indemnity through the Municipal Electric Association Reciprocal Insurance Exchange. Under this agreement, the Company is contingently liable for additional assessments to the extent that premiums collected are not sufficient to cover actual losses, claims and costs experienced.

#### 21. COMPARATIVE AMOUNTS

The financial statements have been reclassified, where applicable, to conform to the presentation used in the current year. The changes do not affect prior year earnings.







Newmarket Hydro Holdings Inc.

November 5, 2013

# Newmarket Hydro Holdings Inc. Report of the President

TO: Town of Newmarket Committee of the Whole

SUBJECT: Newmarket Hydro Holdings Inc. 2012 Annual General Meeting

ORIGIN: President, Newmarket Hydro Holdings Inc.

**RECOMMENDATIONS:** 

THAT the Newmarket Hydro Holdings Inc. Report of the President dated November 5, 2013 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:

WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;

AND WHEREAS the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the *Business Corporations Act* (Ontario) (the "OBCA");

AND WHEREAS the Corporation owns a majority of the common shares of NT Power;

AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

AND WHEREAS pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders; Newmarket Hydro Holdings Inc. 2012 Annual General Meeting

# NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

# 1. THAT the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:

a. THAT the Corporation's financial statements for the financial year ended December 31, 2012 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.

b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.

c. THAT R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.

d. THAT R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;

e. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2012, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

# 2. AND THAT the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:

a. THAT the financial statements of NT Power for the financial year ended December 31, 2012 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 24, 2013 be approved and adopted.

b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

# Newmarket Hydro Holdings Inc. 2012 Annual General Meeting

c. THAT T. Van Bynen, S. Warnock, P. Daniels, R. Betts, A. Ott, T. Taylor and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

d. THAT C. Prattas is elected as a director of NT Power upon the resignation of T. Taylor

e. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2012, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

# Financial Statements of the Corporation

The audited financial statements for the Corporation were presented at a council workshop on September 23, 2013 and are attached to this report. Mr. lain Clinton, Chief Financial Officer of NT Power will be available at the meeting to answer questions regarding them.

# Appointment of Auditors

The Board of Directors of NT Power recommends the re-appointment of Collins Barrow for the period January 1 to December 31, 2013 for both the corporation and NT Power.

# Election of Directors for the Corporation

Upon the merger of Newmarket Hydro Ltd. and Tay Hydro Electric Distribution Company Inc. on May 1, 2007, Mr. R.N. Shelton was appointed as the sole director of the corporation. There has been no change requested by the Shareholder to this appointment.

# Election of Directors - NT Power

The existing directors of NT Power are:

T. Van Bynen, Mayor of the Town of Newmarket

- S. Warnock, Mayor of the Township of Tay
- R. Betts, Independent Director
- Dr. U. Phillip Daniels, Independent Director

Tom Taylor, Independent Director

#### Newmarket Hydro Holdings Inc. 2012 Annual General Meeting

Andy Ott, Independent Director P.D. Ferguson, President of NT Power

Director T. Taylor has indicated he will be resigning from the board of directors of NT Power (the "Board") no later than the end of 2014 creating one director vacancy.

In accordance with the NT Power Shareholders Agreement, the Board struck a Nominating Committee (the 'Committee'), being the standing Governance and Compensation Committee consisting of chair P. Daniels, and directors T. Van Bynen and T. Taylor to; with input from a professional recruiting firm and utilizing corporate governance best practices, provide the shareholders with a recommended list of candidates from which to select nominees to be elected directors with respect to all then vacant director positions or all director positions which will be vacant as at the next annual general meeting of NT Power. Given only one vacancy would exist, the Newmarket and Tay shareholders agreed to forego the requirement to retain a professional recruiting firm.

The Committee recommended a two person slate of candidates to an Ad-Hoc Joint Committee of the councils of Newmarket and Tay (the "Ad-Hoc Committee) consisting of:

Chair Members

- Newmarket Councillor C. Emanuel
- Tay Councillor N. Baumgardner
- Newmarket Councillor D. Kerwin
- Tay Mayor S. Warnock
- Newmarket Mayor T. Van Bynen

The Ad - Hoc Committee unanimously selected Ms. Cristine Prattas to be nominated to replace T. Taylor. The report of the Ad-Hoc Committee is attached.

The appointments of The Mayor of Newmarket, the Mayor of Tay and the President are de facto. The independent directors Betts, Daniels, Taylor and Ott are eligible for re-appointment.

[Original signed by]

P.D. Ferguson P.Eng. President, Newmarket Hydro Holdings Inc.



NEWMARKET HEAD OFFICE 194 EAGLE STREET EAST | NEWMARKET, ONTARIO L3Y 1J6 | TEL 905 953 0248 | FAX 905 953 1372 RICHMOND HILL COMMUNITY SUPPORT CENTRE | 10155 YONGE STREET | RICHMOND HILL, ONTARIO L4C 1T5 | TEL 905 884 0613

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Your Honour,			RKS		1
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I am writing on behalf of the Board of Directors of the AIDS Committee of York Region to request to join us in commemorating December 1 as World AIDS Day. To this effect, we request you to: 5

- Issue a proclamation from the Town of Newmarket declaring December 1 as World . AIDS Day.
- Share a photo of you wearing the enclosed red ribbon for our social media campaign . Red for Change: Wear It, Hold It, Show It for World AIDS Day. We will widely share this photo on our Facebook page and Twitter feeds during World AIDS Awareness Week (November 24-30) and on World AIDS Day. This will showcase your solidarity with people living with this chronic illness in your constituency.

Held on December 1 each year, World AIDS Day provides an opportunity for people worldwide to unite and show their support for people living with HIV/AIDS, to commemorate those who have passed away, and to eliminate stigma and discrimination by raising awareness about HIV/AIDS.

Anyone can be affected by HIV/AIDS regardless of religion, age, class, race, culture or sexual orientation. It is estimated that more than 27,000 people in Ontario are living with HIV. In York Region, there are approximately 420 people who are aware of their status living with HIV. However, many people remain unaware of their HIV status (almost 26 percent nationwide) because they have never been tested.

The AIDS Committee of York Region is the only local non-profit organization that provides life changing supports to people living with and affected by HIV/AIDS. Many people living with HIV are isolated due to the experience of stigma and discrimination that is compounded by a lack of awareness in the community. We offer innovative programs, educate our community, and advocate for those impacted by HIV/AIDS to help them come out of the margins and reclaim their role as engaged and valued members of our community.

Your exceptional stewardship of various causes has left a great imprint on our work in the community. Your participation in World AIDS Day activities in York Region will help to enhance our awareness efforts on behalf of all persons throughout your community living with and affected by HIV/AIDS.

Please do not hesitate to contact me with any questions. We are finalizing our program and launching our media campaign, so I would appreciate your kind and prompt response.

Kind regards,

R. Bhandway Radha Bhardwaj, Executive Director

Providing support and dignified care to those living with and affected by HIV/AIDS in York Region.



# Town of Newmarket **MINUTES**

# HERITAGE NEWMARKET ADVISORY COMMITTEE

Tuesday, October 1, 2013 at 7:00 p.m. Mulock Room, 395 Mulock Drive

The regular meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, October 1, 2013 at 7:00 p.m. in the Mulock Room at 395 Mulock Drive, Newmarket.

#### Members Present:

R. Caister S. Fuller A. Hart B. Locke M. Watts N. Friend Councillor Hempen

Absent: Wes Playter

Staff: Barb Mendonca, Administrative Assistant

The meeting was called to order at 7:02 p.m.

Athol Hart in the Chair.

# **PRESENTATIONS/DEPUTATIONS**

# 1. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 1 – SENIOR PLANNER – POLICY/ OFFICIAL PLAN AMENDMENT #10

The Senior Planner – Policy presented the Official Plan Amendment #10 Newmarket Urban Centres Secondary Plan to the Heritage Newmarket Advisory Committee.

# Moved by Sandra Fuller Seconded by Ross Caister

THAT a sub-committee of the Heritage Newmarket Advisory Committee be formed to review the Official Plan Amendment #10 Newmarket Urban Centres Secondary Plan document and meet with the Senior Planner – Policy in the first two weeks of November 2013.

# CARRIED

# **DECLARATIONS OF INTEREST**

Councillor Hempen declared a pecuniary interest in any item regarding Main Street as he has a business on the street.

# ADDITIONS TO THE AGENDA

None.

# 2. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 2 – HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

Heritage Newmarket Advisory Committee Minutes of September 3, 2013.

Moved by Ross Caister Seconded by Billie Locke

THAT Councillor Hempen abstain from voting on item 1C) (A by-law will be passed by Council in the next forty five days regarding the Heritage Conservation District) due to a conflict of interest;

AND THAT the Heritage Newmarket Advisory Committee Minutes of September 3, 2013 be approved.

CARRIED

# 3. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 3 – CORRESPONDENCE

- a) Planning and Building Services letter to property owners and business owners regarding Heritage Conservation District Plan Lower Main Street South.
- b) Town Council Electronic Extract regarding Heritage Conservation District Lower Main Street South.
- c) Application for Zoning By-law Amendment, 178,180,184,188,190 and 194 Main Street, Main Street Clock Inc.

# Moved by Sandra Fuller Seconded by Ross Caister

THAT the Heritage Newmarket Advisory Committee finds itself unable to support the Zoning By-law Amendment Application as there is no change in height or mass of the project since it was last presented to the Committee;

AND THAT a sub-committee will be struck to supply a detailed report to Council and the Planning Department.

CARRIED

d) Notice of complete application 178,180,184,188,190 and 194 Main Street – Main Street Clock Inc.

# Moved by Sandra Fuller Seconded by Ross Caister

# THAT item d) will contain the same information as item 3 c).

# CARRIED

- e) Notice of complete application, western terminus of Silken Lauman Drive.
- f) Senior Planner Community Planning Clock Tower documents.
- g) Senior Planner Community Planning e-mail regarding the cold storage building at the Tannery.
- h) Ministry of Tourism, Culture and Sport Ministry's latest InfoSheet.

# Moved by Ross Caister Seconded by Malcolm Watts

THAT items 2 a), b), e), f), g), h) be received as information.

### CARRIED

# 4. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 4 – FINANCIAL REPORT

The Treasurer provided a verbal financial report.

# Moved by Billie Locke Seconded by Norman Friend

THAT the verbal Treasurer's report of the Heritage Newmarket Advisory Committee be received.

# CARRIED

# 5. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 5 – PLAQUES

a) Site Plaques

The Chair presented three concepts for site plaques. The Treasurer will research the updated cost of the stand and plaque.

b) Residence Plaques

A replacement plaque will be made for the Denne House.

# c) Heritage Location Plaques

The Chair advised that there was no report regarding the heritage location plaque available at this time.

#### HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES - OCTOBER 1, 2013 6. **ITEM 6 – INVENTORY SUB-COMMITTEE**

Nothing to report.

#### 7. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 **ITEM 7 – DESIGNATED MAINTENANCE PROPERTY AND CONCERNS**

Nothing to report.

#### HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES - OCTOBER 1, 2013 8. **ITEM 8 – REPORTS OF COMMITTEE MEMBERS**

a) Historical Society

The Historical Society proposes an Old Fire Hall Project to convert the Old Fire Hall into a suitable space. These include a Regional Fire Museum, Newmarket Historical Society Archive, Artifact storage for the Museum and multi-use work/activity and meeting room(s) space for use by the Museum, Historical Society, Fire Museum and community groups.

Moved by Malcolm Watts Seconded by Tom Hempen

THAT the Heritage Newmarket Advisory Committee supports the Old Fire Hall Projects suggestions.

# CARRIED

b) Museum

The museum report was received.

Moved by Norman Friend Seconded by Billie Locke

THAT the Museum report be received as information.

# CARRIED

c) ARCH

The Chair advised that the tent at Fairy Lake for Doors Open was well attended. The Chair advised that there is now a permanent display space in the basement of the Library for the Museum, Heritage Newmarket Advisory Committee and the Historical Society.

Moved by Billie Locke Seconded by Ross Caister

THAT the Heritage Newmarket Advisory Committee supports the using of the space at the Library and that members of the Museum, Heritage Newmarket Advisory Committee attend to hand out brochures, talk about the display and appear in period costume whenever possible.

# CARRIED

d) Street Naming Committee

No report received. The Chair will discuss with the current member to change the representative sitting on the Street Naming Committee.

# 9. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – OCTOBER 1, 2013 ITEM 9 – NEW BUSINESS

Discussion ensued regarding the Murray House. The following suggestions were made to re-advertise the availability of the building to be moved to another location and will be given to the Senior Planner – Community Planning as requested:

- a) The current owner is offering \$30,000.00 towards the cost of moving the house.
- b) The Chair will discuss with Councillor Vegh to offer the building to Habitat for Humanity.
- c) Discussion with Royal LePage.
- d) Put signage on the property.
- e) SNAP interview Sandra Fuller use as a community story.
- f) Put advertisement on Freecycle.
- g) Interview Sandra Fuller on Barrie TV.
- h) Interview Sandra Fuller on the Rogers channel.

# Moved by Malcolm Watts Seconded by Billie Locke

# THAT the meeting adjourn.

# CARRIED

There being no further business the meeting adjourned at 9:04 p.m.

Date

Athol Hart, Chair

5 of



NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE Thursday, October 17, 2013 at 5:00 p.m. Cane Room Municipal Offices 395 Mulock Drive

The regular meeting of the Newmarket Economic Development Advisory Committee was held on Thursday, October 17, 2013 at 5:00 p.m. in the Cane Room of the Municipal Offices located at 395 Mulock Drive.

MembersBarb BartlettPresnet:Michael Croxon<br/>Donna Favreau (5:05 to 7:00 p.m.)<br/>Jim Gragtmans (Chair)<br/>Jim Lotimer (5:00 to 6:27 p.m.)<br/>Paul Montador<br/>Jackie Playter<br/>Ian Proudfoot<br/>Gary Ryan<br/>David White (5:00 to 6:39 p.m.)<br/>R.N. Shelton, Chief Administrative Officer<br/>Mayor Van Bynen

Town of Newmarket

**MINUTES** 

- Absent: Jim Alexander Beric Farmer Rick Henry Gary Ryan Regional Councillor Taylor
- Guest: Karen Dubeau, Shared Digital Infrastructure
- Staff: S. Chase, Director of Information Technology I. McDougall, Commissioner of Community Services C. Kallio, Economic Development Officer L. Moor, Council/Committee Coordinator

Jim Gragtmans in the Chair.

The meeting was called to order at 5:00 p.m.

# DECLARATIONS

None.

# ADDITIONS

None.

# 1. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 1 INTELLIGENT COMMUNITY: DRAFT YORK REGION BROADBAND STRATEGY UPDATE AND NEWMARKET IMPLICATIONS

The Economic Development Officer introduced Ms. Susan Chase, Director of Information Technology for the Town of Newmarket. Ms Chase provided a verbal overview of the Draft York Region Broadband Strategy. She advised that the document provided in the agenda package is a summary document; as the strategy in full form is over one hundred pages.

D. Favreau arrived at 5:05 p.m.

Discussion ensued regarding the following:

- Revenues and costs associated with a municipally owned broadband strategy
- Pay for Service options
- Target broadband speeds
- Conduit installations along major corridors
- Municipal and Regional Governments in the business of Internet connectivity for its residents

# Moved by lan Proudfoot Seconded by Michael Croxon

The Newmarket Economic Development Advisory Committee recommends to Council:

THAT the Town of Newmarket consider a number of options to at least begin the process to build a high speed connection service within Newmarket along with business plans and implementation cases;

AND THAT with the assistance of the Shared Digital Infrastructure organization that the Regional Municipality of York be requested to supply information on what the Town of Newmarket can expect in terms of support in moving forward with high speed connectivity services.

# CARRIED

# 2. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 2 NEDAC MINUTES MAY 16, 2013

Newmarket Economic Development Advisory Committee Minutes of May 16, 2013.

Moved by Jackie Playter Seconded by Paul Montador

THAT the Newmarket Economic Development Advisory Committee Minutes of May 16, 2013 be received.

# CARRIED

# 3. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 3 CENTRES AND CORRIDORS: DRAFT FINAL SECONDARY PLAN

The Commissioner of Community Services provided a verbal introduction of a development proposal for the property at the intersection of Davis Drive and Patterson Street. The Economic Development Officer showed a conceptual slide image of the proposed building structure. Discussion ensued regarding the feasibility of encouraging fibre optic cable installation within site plan development applications. Further discussion ensued with respect to the required specific language that should be incorporated into the draft secondary plan document in an effort to mandate the development community into providing broadband service within their sites.

Jim Lotimer left the meeting at 6:27 p.m.

# 4. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 4 POST-SECONDARY EDUCATION STRATEGY

The Economic Development Officer provided a verbal update regarding the Post-Secondary Education Strategy; he advised that included in the agenda package is a list of the membership of the Post-Secondary Collaborative Working Group. Discussion ensued regarding the Regional report scheduled for distribution within a two week time frame and Newmarket's strategy should be considered once the Regional approach has been identified. There was consensus that members of NEDAC, the Shared Digital Infrastructure group and the Post-Secondary Collaborative Working Group meet to assess Newmarket's position with a view to have a scheduled NEDAC meeting on November 26, 2013 to discuss the overall plan.

David White left the meeting at 6:39 p.m.

# 5. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 5 SIGNIFICANT PROJECTS UPDATE

The Economic Development Officer advised that he distributed with the agenda the confidential document entitled 'Significant Project Updates" and if there are any queries regarding such to send an e-mail or call him directly.

# 6. NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES OCTOBER 17, 2013 – ITEM 6 <u>NEW BUSINESS</u>

- a) Jackie Playter requested that the Economic Development Officer provide some insight to the NEDAC members regarding the downtown core improvements and the resultant increased tax assessments. The Economic Development Officer advised that the Main Street commercial assessment base has increased by 71% since the inception of the Downtown Development Incentive Programs.
- b) The Chair queried those present about their interest in collaborating Economic Development discussions with the Northern 6 municipalities.

# Moved by Paul Montador Seconded by Jackie Playter

# THAT the meeting adjourn.

# CARRIED

There being no further business the meeting adjourned at 7:00 p.m.

Dated

Jim Gragtmans, Chair

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Newmarket Public Library Board Regular Board Meeting Wednesday, September 18, 2013 Newmarket Public Library Board Room

Present:	Joan Stonehocker - Chair Tara Brown Michael Castro John Taylor
Staff Present:	Todd Kyle, CEO Linda Peppiatt, Deputy CEO Lianne Bond, Administrative Coordinator

**Regrets:** 

Tom Vegh – Vice Chair Tom Hempen Wes Playter

The Chair called the meeting to order at 5:20 p.m.

# 1. ADOPTION OF AGENDA ITEMS:

- i) Adoption of Regular Agenda
- ii) Adoption of the Closed Session Agenda
- iii) Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda.

Motion 13.09250

# MOVED BY JOHN TAYLOR SECONDED BY MICHAEL CASTRO

THAT Agendas i) to iii) be adopted as presented.

CARRIED

2. DECLARATIONS

None were declared.

# 3. CONSENT AGENDA ITEMS:

- i) Adoption of the Regular Board Meeting Minutes for Wednesday, June 19, 2013
- ii) Adoption of the Closed Session meeting Minutes for Wednesday, June 19, 2013
- iii) Strategic Operations Report for June, July and August 2013
- iv) Library Statistical Data
- v) Monthly Bank Transfer

#### Motion 13.09.251

# MOVED BY MICHAEL CASTRO SECONDED BY JOHN TAYLOR

THAT Consent Agenda Items i) to v) be received as presented.

#### CARRIED

#### 4. MOTION TO CONVENE INTO A CLOSED SESSION

There were no closed session items.

#### 5. POLICIES

An updated Policy Review Schedule was provided to the Board. The Board reviewed the following policies:

- i) Dress Code Policy
- ii) Health and Safety Policy
- iii) Volunteer Services Policy
- iv) Records Retention Policy

The Board recommended changes to the Health and Safety Policy and Volunteer Policy.

Motion 13.09.252

MOVED BY JOHN TAYLOR SECONDED BY TARA BROWN

THAT the Library Board approve the Dress Code Policy and Records Retention Policy as presented, and Health and Safety Policy and Policy on the Use of Volunteers as amended;

AND THAT the Library Board receive the updated Policy Review Schedule.

#### CARRIED

#### 6. <u>REPORTS</u>

i) Second Quarter Financial Statements

The CEO reported that the Library is on target to be on or under budget for 2013.

Motion 13.09.253

## MOVED BY JOHN TAYLOR SECONDED BY MICHAEL CASTRO

**THAT** the Library Board received the Second Quarter Financial Statements as presented.

#### CARRIED

ii) NPL-TON Joint Task Force (JTF) Committee

ii) NPL-TON Joint Task Force (JTF) Committee

a) NPL-TON (Community Services) Joint Report 2013-18 – Correspondence

Correspondence was received from the Town of Newmarket's Manager, Special Projects/Customer Service clarifying the NPL-TON (Community Services) Joint Report 2013-18 from the Service Review Steering Committee regarding the intent reported under the Business Plan and Strategic Plan Linkages section

#### Motion 13.09.254

# MOVED BY JOHN TAYLOR SECONDED BY MICHAEL CASTRO

**THAT** the Library Board receive correspondence from Town of Newmarket Manager, Special Projects/Customer Service clarifying the NPL-TON (Community Services) Joint Report 2013-18 from the Service Review Steering Committee regarding the intent reported under the Business Plan and Strategic Plan Linkages section.

### CARRIED

### 7. BUSINESS ARISING

i) 2014 Draft Operating Budget

The CEO advised the Library Board of some minor adjustments to 2014 Draft Operating Budget submission that the Town of Newmarket Finance Department recommended due to issues that were unforeseen when the draft was prepared.

## Motion 13.09.255

# MOVED BY JOHN TAYLOR SECONDED BY TARA BROWN

**THAT** the Board approve the adjustments to the 2014 Operating Budget submission as presented.

#### CARRIED

ii) Action List

The Board reviewed the Action List.

#### 8. <u>NEW BUSINESS</u>

i) Library Ambassador Campaign

The CEO will bring back information regarding beginning a Library Ambassador Campaign to promote the new Strategic Plan which is part of the 2013 Business Plan. This item will be added to the Library Board Action List.

ii) Update on Strategic Plan Activities – IdeaMarket

The CEO updated the Library Board on the progress in Library programs to ignite community dialogues, discovery and debate through the launch of the IdeaMarket. The Library Board held a discussion regarding the parametres that should be set regarding the programming of the discovery and debate events to ensure that the Library is maintains control over program content and invitees. The Board would like to see the formation of a Community Advisory Committee to vet the topics and run the events.

#### 9. DATE(S) OF FUTURE MEETINGS

The next regular Library Board meeting will be Wednesday, October 23, 2013 at 5:30 pm in the Library Board room

#### 10. ADJOURNMENT

Motion 13.09.256

# MOVED BY MICHAEL CASTRO SECONDED BY JOHN TAYLOR

THAT there being no further business the meeting adjourned at 6:45 p.m.

CARRIED

Joan Stonehocker Chair

Secretary/Treasurer



# CENTRAL YORK FIRE SERVICES JOINT COUNCIL COMMITTEE TUESDAY, OCTOBER 1, 2013 AT 10:30 A.M. TOWN OF NEWMARKET, CANE A & B <u>MINUTES</u>

A meeting of the Joint Council Committee was held on Tuesday, October 1, 2013 at 10:30 a.m. in the Cane Room at the Town of Newmarket Municipal Offices, 395 Mulock Drive.

Members Present: Absent:	Newmarket:	Councillor Emanuel Councillor Twinney Councillor Kerwin
	Aurora:	Councillor Abel Councillor Ballard Councillor Gallo
Staff:	Newmarket:	R. Shelton, Chief Administrative Officer (10:35 to 11:15 a.m.) M. Mayes, Director of Financial Services/Treasurer (10:40 to 11:25 a.m.) L. Georgeff, Director of Human Resources (10:45 to 11:25 a.m) L. Lyons, Deputy Clerk
	Aurora:	N. Garbe, Chief Administrative Officer (10:35 to 11:10 a.m.)
Absent:		D. Elliott, Director of Corporate & Financial Services/Treasurer
CYFS:		I. Laing, Fire Chief P. Leslie, Deputy Fire Chief R. Comeau, Deputy Fire Chief

The meeting was called to order at 10:35 a.m.

Councillor Twinney in the Chair.

# ADDITIONS TO AGENDA

The Fire Chief requested that a verbal Station Renovation Update be included as an addition to the agenda.

# DECLARATIONS OF INTEREST

None.

# 1. JOINT COUNCIL COMMITTEE MINUTES – OCTOBER 1, 2013 – ITEM 1 APPROVAL OF MINUTES

Joint Council Committee Minutes of September 3, 2013.

# Moved by Councillor Emanuel Seconded by Councillor Ballard

THAT the Joint Council Committee Minutes of September 3, 2013 be approved.

CARRIED

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# 2. JOINT COUNCIL COMMITTEE MINUTES – OCTOBER 1, 2013 – ITEM 2 APPROVAL OF (CLOSED SESSION) MINUTES

Joint Council Committee (Closed Session) Minutes of September 3, 2013.

Moved by Councillor Gallo Seconded by Councillor Emanuel

THAT the Joint Council Committee (Closed Session) Minutes of September 3, 2013 be approved.

### CARRIED

# 3. JOINT COUNCIL COMMITTEE MINUTES – OCTOBER 1, 2013 – ITEM 3 FIRE SERVICES REPORT 2013-07 TRAINING DIVISION STATUS REPORT

Fire Services Report 2013-07 dated September 24, 2013 regarding Training Division Status Report.

Moved by Councillor Emanuel Seconded by Councillor Abel

THAT Fire Services Report 2013-07 Training Division Status Report dated September 24, 2013 be received for information purposes.

#### CARRIED

# 4. JOINT COUNCIL COMMITTEE MINUTES – OCTOBER 1, 2013 – ITEM 4 VERBAL REPORT – STATIONS 4.1 AND 4.2 RENOVATION UPDATE

The Fire Chief provided a verbal update regarding proposed renovations to Station 4-2 and advised that the Class D cost estimate is within plus or minus 20% of the approved funding level. He further advised that the Class D cost estimate for proposed renovations to Station 4-1 have not yet been received, however it would appear the scope will exceed the approved level of funding.

Moved by Councillor Emanuel Seconded by Councillor Ballard

THAT the matter of the proposed station renovations be deferred to a special or regular meeting of CYFS – Joint Council Committee when the Class D cost estimate is received for Station 4-1;

AND THAT other budgeting options be considered by Newmarket Council.

## CARRIED

The Committee was advised that a Closed Session was not required at this time.

# 5. JOINT COUNCIL COMMITTEE MINUTES – OCTOBER 1, 2013 – ITEM 5 NEW BUSINESS

- a) The Fire Chief thanked everyone involved with the CYFS Open House recently held in Aurora that attracted approximately 1400 people. He advised that the Newmarket Open House is scheduled for October 5, 2013.
- b) The Fire Chief advised of a recent complaint regarding the use of chimineas and he informed the Committee that such units are in compliance with the Fire Code.
- c) The Fire Chief advised that a Habitat for Humanity theme build for Emergency Services in York Region will take place in the fall of 2014 and the house will be equipped with a sprinkler system.
- d) The Fire Chief advised that a general session to discuss the Master Fire Plan is scheduled for October 16, 2013 at the Training Centre located at 623 Timothy Street and should anyone wish to attend to advise him.

# Moved by Councillor Emanuel Seconded by Councillor Ballard

THAT the New Business items listed a) through to d) be received.

CARRIED

Moved by Councillor Ballard Seconded by Councillor Gallo

THAT the meeting adjourn.

# CARRIED

There being no further business, the meeting adjourned at 11:25 a.m.

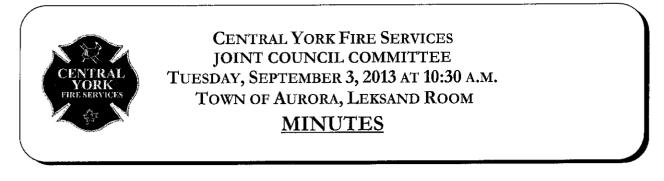
Nov. 5, 2013

Date

Councillor Twinney, Chair

Central York Fire Services - Joint Council Committee Minutes -- October 1, 2013

Page 3 of 3



A meeting of the Joint Council Committee was held on Tuesday, September 3, 2013 at 10:30 a.m. in the Leksand Room at the Town of Aurora Municipal Offices, 100 John West Way.

Members Present:	Aurora:	Councillor Abel Councillor Ballard Councillor Gallo
	Newmarket:	Councillor Emanuel Councillor Kerwin Councillor Twinney
Staff:	Aurora:	D. Elliott, Director of Corporate & Financial Services/Treasurer N. Garbe, Chief Administrative Officer
	Newmarket:	R. Shelton, Chief Administrative Officer M. Mayes, Director of Financial Services/Treasurer L. Lyons, Deputy Clerk
CYFS:		I. Laing, Fire Chief R. Comeau, Deputy Fire Chief

The meeting was called to order at 10:35 a.m.

Councillor Gallo in the Chair.

# ADDITIONS TO THE AGENDA

None.

# **DECLARATIONS OF INTEREST**

None.

# 1. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 1 CHAIR AND VICE-CHAIR APPOINTMENTS

Election of Chair and Vice-Chair for remainder of term of Council. The floor was opened for nominations of Chair.

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Moved by Councillor Emanuel Seconded by Councillor Ballard

THAT Councillor Twinney be appointed as Chair of Central York Fire Services – Joint Council Committee for the remainder of the term of Council.

# CARRIED

The floor was opened for nominations of Vice-Chair.

# Moved by Councillor Twinney Seconded by Councillor Kerwin

THAT Councillor Abel be appointed as Vice-Chair of Central York Fire Services – Joint Council Committee for the remainder of the term of Council.

# CARRIED

Councillor Gallo agreed to continue as Chair for the remainder of the meeting.

# 2. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 2 APPROVAL OF MINUTES

Joint Council Committee Minutes of May 14, 2013 and May 23, 2013.

Moved by Councillor Twinney Seconded by Councillor Kerwin

THAT the Joint Council Committee Minutes of May 14 and May 23, 2013 be approved.

#### CARRIED

# 3. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 3 APPROVAL OF (CLOSED SESSION) MINUTES

Joint Council Committee (Closed Session) Minutes of May 14, 2013.

Moved by Councillor Emanuel Seconded by Councillor Twinney

THAT the Joint Council Committee (Closed Session) Minutes of May 14, 2013 be approved.

CARRIED

4. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 4 JOINT CENTRAL YORK FIRE SERVICES AND CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-32 2014 BUDGET RECOMMENDATIONS

Joint Central York Fire Services and Corporate Services Report – Financial Services 2013-32 dated August 22, 2013 regarding 2014 Budget Recommendations.

The Director of Financial Services/Treasurer (Newmarket) provided an overview of the report and advised that all comments were received and incorporated and that a 9.7% increase to the Fire Services budget will be presented to Newmarket Council at a Special Committee of the Whole (Budget) meeting scheduled for September 16, 2013.

Discussion ensued regarding various budget items. The Fire Chief advised that the Central York Fire Services training facility will be available for use in 2014. He also provided clarification regarding several capital budget items such as the replacement of a light vehicle which is five years old to avoid vehicle repair costs as well as access control locks required to improve security at the three stations.

# Moved by Councillor Emanuel Seconded by Councillor Twinney

THAT Joint CYFS/Corporate Services Report – Financial Services 2013-32 dated August 22, 2013 regarding 2014 Budget Recommendations be received and that the Central York Fire Services draft 2014 operating and capital budgets be approved with the following amendments:

- 1. THAT the property lease for the Training Facility be removed from the base operating budget;
- 2. THAT the position of Chief Training Officer be deferred;
- 3. THAT the position of Fire Prevention Officer be deferred;
- 4. THAT the change to the Administrative Position to full-time be deferred;
- 5. THAT the purchase of water softeners for each Fire Station be deferred;
- 6. THAT the Portacount Fit Testing Machine costs be adjusted;
- 7. THAT the access control locks purchase for all Stations and Training Centre be deferred;
- 8. THAT the outdoor electronic display signs purchase be deferred.
- 9. THAT the purchase of a replacement light vehicle be deferred;

# CARRIED

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Moved by Councillor Ballard Seconded by Councillor Abel

THAT a Training Officer position be included in the 2014 Central York Fire Services Budget.

### MOTION LOST

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Moved by Councillor Abel Seconded by Councillor Ballard

THAT one electronic display sign purchase be included in the 2014 Central York Fire Services Budget.

MOTION LOST

# 5. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 5 FIRE SERVICES REPORT 2013-03 <u>MASTER FIRE PLAN UPDATE</u>

Fire Services Report 2013-03 dated August 1, 2013 regarding the Master Fire Plan Update.

The Fire Chief provided an overview of the report. Discussion ensued regarding hosting public workshops and community information open houses regarding the Master Fire Plan. The Fire Chief advised that he would provide JCC members with the actual additional costs from Dillon Consulting regarding the Council Workshops and/or Community Information Open Houses.

# Moved by Councillor Ballard Seconded by Councillor Kerwin

- 1. THAT Fire Services Report 2013-03 Master Fire Plan (MFP) Update dated August 1, 2013 be received for information purposes;
- 2. AND THAT staff be directed to work with Dillon Consulting to assist with the Master Fire Plan Update;
- 3. AND THAT one public workshop/community open house be scheduled with both communities to obtain public feedback regarding the Master Fire Plan.

# CARRIED

# 6. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 6 FIRE SERVICES REPORT 2013-04 FIRE STATION 4-2 RENOVATIONS

Fire Services Report 2013-04 dated August 7, 2013 regarding Fire Station 4-2 Renovations.

Central York Fire Services - Joint Council Committee Minutes – September 3, 2013 The Fire Chief advised that bids received are still being reviewed. Discussion ensued regarding the scope of work associated with the renovations to the Fire Station and the feasibility of shared costs and merged facilities between the two municipalities. The Fire Chief advised that he is currently working with Procurement Services and the consultants in an effort to obtain a viable floor plan of projected renovations before a Class D cost estimate can be completed.

Recommendation 2 contained in Fire Services Report 2013-04 dated August 7, 2013 regarding Fire Station 4-2 Renovations was replaced with the following:

"AND THAT the tender date be extended or not awarded for Station 4-2 renovations until further information is received including a cost estimate for Station 4-1 renovations;

AND THAT should the need arise a Special Joint Council Committee meeting be called regarding the Station 4-2 Renovations Tender document."

# Moved by Councillor Ballard Seconded by Councillor Kerwin

- 1. THAT Fire Services Report 2013-04 Fire Station 4-2 Renovations dated August 7, 2013 be received for information purposes;
- 2. AND THAT the tender date be extended or not awarded for Station 4-2 renovations until further information is received including a cost estimate for Station 4-1 renovations;
- 3. AND THAT should the need arise a Special Joint Council Committee meeting be called regarding the Station 4-2 Renovations Tender document.

#### CARRIED

# 7. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 7 FIRE SERVICES REPORT 2013-05 EARLY BUDGET APPROVAL – RESPIRATORY PROTECTION TESTING EQUIPMENT

Fire Services Report 2013-05 dated August 19, 2013 regarding Early Budget Approval – Respiratory Protection Testing Equipment.

# Moved by Councillor Emanuel Seconded by Councillor Abel

THAT Fire Services Report 2013-05 Early Budget Approval – Respiratory Protection Testing Equipment dated August 19, 2013 be received for information purposes;

AND THAT early budget approval be given for this capital expense for the 2014 budget and staff be directed to proceed with purchasing the Respiratory Protection Testing Equipment, as set out herein.

#### CARRIED

# 8. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 8 FIRE SERVICES REPORT 2013-06 FIRE HYDRANT COMPATIBILITY PLAN

Fire Services Report 2013-06 dated August 21, 2013 regarding Fire Hydrant Compatibility Plan.

Moved by Councillor Emanuel Seconded by Councillor Twinney

THAT Fire Services Report 2013-06 Fire Hydrant Compatibility Plan dated August 21, 2013 be received for information purposes;

AND THAT JCC request Public Works staff develop a strategic time frame to implement the Fire Hydrant Compatibility Plan to update flow rates and fire hydrant conspicuity.

CARRIED

# 9. JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 9 JOINT CYFS AND CORPORATE SERVICES INFORMATION REPORT – FINANCIAL SERVICES 2013-28 2013 CENTRAL YORK FIRE SERVICES BUDGET REPORT – SECOND QUARTER

Joint CYFS and Corporate Services Information Report – Financial Services 2013-28 dated August 21, 2013 regarding 2013 Central York Fire Services Budget Report – Second Quarter.

Moved by Councillor Emanuel Seconded by Councillor Ballard

THAT Joint CYFS and Corporate Services Information Report – Financial Services 2013-28 dated August 21, 2013 regarding 2013 Central York Fire Services Budget Report- Second Quarter be received for information purposes.

#### CARRIED

Moved by Councillor Twinney Seconded by Councillor Abel

THAT the Joint Council Committee resolve into a closed session for the purpose of discussing labour relations or employee negotiations (Labour Relations Matters).

#### CARRIED

The Committee resolved into a Joint Council Committee (Closed Session) at 12:04 p.m.

The Minutes of the Joint Council Committee (Closed Session) are recorded under separate cover.

Central York Fire Services - Joint Council Committee Minutes – September 3, 2013 The Committee resumed into public session at 12:06 p.m. and the Chair reported the following from the Closed Session.

Town of Newmarket Council Extract related to Item 1 of Joint Council Committee (Closed Session) regarding a Labour Relations matter was received for information purposes.

#### JOINT COUNCIL COMMITTEE MINUTES – SEPTEMBER 3, 2013 – ITEM 10 10. **JCC 2014 MEETING SCHEDULE**

Discussion ensued regarding the 2014 meeting schedule of the Central York Fire Services - Joint Council Committee.

# Moved by Councillor Twinney Seconded by Councillor Kerwin

THAT the CYFS-JCC Meeting Schedule be approved subject to the inclusion of a scheduled meeting in July, September and October 2014.

### CARRIED

#### JOINT COUNCIL COMMITTEE MINUTES - SEPTEMBER 3, 2012 - ITEM 11 11. **NEW BUSINESS**

- The Fire Chief advised that there will be an Open House on September 28, 2013 in a) Aurora at Station 4-4, and on October 5, 2013 in Newmarket at Station 4-1.
- The Fire Chief provided the JCC members with a photograph of the new aerial b) truck.

Moved by Councillor Ballard Seconded by Councillor Emanuel

# THAT the meeting adjourn.

# CARRIED

There being no further business, the meeting adjourned at 12:13 p.m.

Nov 5, 2013 Date

Gallo, Chair

Counci



**DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICES** 

TOWN OF NEWMARKET 395 Mulock Drive P.O. Box 328 Newmarket, ON L3Y 4X7

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October 17, 2013

# DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2013-50

TO: Committee of the Whole

SUBJECT: Foxtail Ridge - Parking Review File No.:T08 T.30 Foxtail Ridge

ORIGIN: Director, Engineering Services

# RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2013-50 dated October 17, 2013 regarding Foxtail Ridge – Parking Review, be received and the following recommendation(s) be adopted:

1. THAT the parking restrictions remain as existing.

# **COMMENTS**

Engineering staff received a request by the Ward Councillor to review the current parking restrictions on Foxtail Ridge. In accordance with the Corporate Parking Policy, Engineering staff conducted a survey of the community to determine support and any other solutions. The survey contained the Town's proposal to restrict parking on the north side of the street (sidewalk side). The results of the survey had a majority of residents who responded stating they were against any changes to the current parking restrictions.

Therefore, it is recommended that the existing parking restrictions remain. These restrictions are related to the general prohibitions of the Parking Bylaw such as no parking in front of a fire hydrant or in excess of three-hours would still apply.

# PUBLIC CONSULTATION

A letter was sent out from the Town (Engineering Services Department) on September 13, 2013 soliciting comments from the Foxtail Ridge community that would have been directly impacted by the proposed parking restrictions. Of the 87 households directly impacted by the parking restriction changes (fronting and major flankage properties), the Town received responses from 29 households (33%). Of the 29 households, 15 were against any changes in restrictions (52%), 7 were in favour of the restrictions (24%), and 7 preferred that the restrictions be amended (24%), mostly to the other side of the street.

The community will be contacted and forwarded a copy of this report prior to the Committee of the Whole Meeting, for review and deputation if they wish to attend the Committee of the Whole Meeting.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

• Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

#### HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

#### IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact to the Operating Budget.

Capital Budget

No impact to the Capital Budget.

### CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:

M. Kryzanowski, M.C.I.P, R.P.P.

Senior Transportation Coordinator

R. Prudhomme, M.Sc., P. Eng. Director, Engineering Services

R. Bingham, C.E.T., Manager, Engineering & Technical Services

R. Prentice. Commissioner, Development & Infrastructure Services





DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICESTOWN OF NEWMARKET395 Mulock Drivewww.newmarket.ca995 Mulock Drivewww.newmarket.caP.O. Box 328info@newmarket.caNewmarket, ON L3Y 4X7905.895.5193

November 1, 2013

#### DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2013-51

TO: Committee of the Whole

SUBJECT: Town of Newmarket Oxford Homes Residential Subdivision, Phase 1A RP – 65M-3553 Request for Final Acceptance and Assumption ES File No.: D.24.64.1

ORIGIN: Director, Engineering Services

#### RECOMMENDATION

THAT Development and Infrastructure Services Report – ES 2013-51 dated November 1, 2013 regarding the Final Acceptance and Assumption be received and the following recommendation(s) be adopted:

- 1. THAT the request for final acceptance and assumption of the Oxford Homes Residential Subdivision Phase 1A as shown on the attached map be finally accepted and assumed by the Town;
- 2. AND THAT the securities be released as recommended by our Checking Consultant.
- 3. AND THAT Ms. Angela Meyer of Oxford Homes (711371 Ontario Corp.), and Mr. Angelo A. Maurizio, P. Eng., of Schaeffer & Associates Ltd. be notified of these recommendations.

#### BACKGROUND

We are in receipt of an application from Schaeffers Consulting Ltd. on behalf of Oxford Homes (711371 Ontario Corp.) pursuant to the Oxford Homes Residential Subdivision, Phase 1A Subdivision Agreement wherein a request for final acceptance and assumption is made.

Phase 1A does not include any municipal services and is comprised solely of lots and blocks which make up Plan 65M-3553.

All required documentation has been provided and reviewed by our checking consultant, R.J. Burnside & Associates Ltd., who have provided their recommendation for final acceptance and assumption.

Legal and Financial Services have conducted a file review and confirmed that all obligations of the Owner (Oxford Homes (711371 Ontario Corp.) under the Subdivision Agreement as it relates to Legal and Financial Services have been met.

Development & Infrastructure Services Report - Engineering Services ES-2013-51 Oxford Homes Residential Subdivision, Phase 1A RP - 65M-3553 Request for Final Acceptance and Assumption Page 2 of 3

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well Equipped and Managed...provides a thorough and timely consideration of applications for development and redevelopment in accordance with all statutory requirements;
- Well Planned and Connected...continues to improve the quality of the road network within the Town of Newmarket.

#### CONSULTATION

There is no public consultation with this recommendation.

#### BUDGET IMPACT

Operating Budget (Current and Future)

There will be no impact on current budget.

#### CONTACT

For more information on this report, contact Victoria Klyuev at 905-895-5193 extension 2513 or by e-mail at, <u>vklyuev@newmarket.ca</u>

Victoria Klyuev, B.A., C.E.T.,

Senior Engineering Development Coordinator Residential

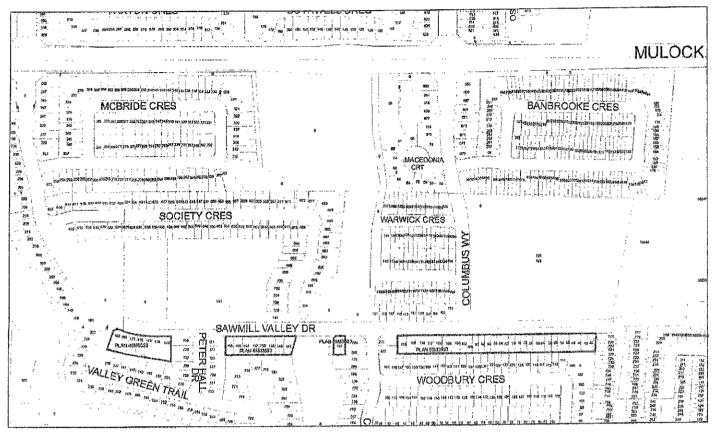
Rick Bingham, C.E.T., Manager, Engineering and Technical Services

Rachel Prudhomme, M.Sc., P.Eng., Director Engineering Services

Rob Prentice, Commissioner Development and Infrastructure Services

Development & Infrastructure Services Report - Engineering Services ES-2013-51 Oxford Homes Residential Subdivision, Phase 1A RP - 65M-3553 Request for Final Acceptance and Assumption

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**DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICES** 

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November 13, 2013

## DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2013-52

TO: Committee of the Whole

SUBJECT: Queen/Parkview (east leg) – All-way Stop Review File No.:T08 T.30 Queen

ORIGIN: Director, Engineering Services

# RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2013-52, dated November 13, 2013 regarding Queen/Parkview (east leg) – All-way Stop Review, be received and the following recommendation(s) be adopted:

1. THAT the existing stop control at the Queen Street and Parkview Crescent (east leg) remain as existing due to not meeting the warrants outlined in the Transportation Management Policy as approved by Town Council, and also due to safety concerns noted in Community Services Report – ES2013-52, based on the Ministry of Transportation requirements.

# BACKGROUND

The following is a brief history of this issue.

### <u> 1999:</u>

At the regular meeting on Tuesday September 7, 1999, Town Council dealt with recommendations from Operations Report 99-66 which was addressing the request for additional stops signs on Queen Street between Parkside Drive and Lorne Avenue. At that time, no additional stop signs were warranted; however, additional warning signs were added.

# <u>2005:</u>

In a review in 2005 initiated by the Traffic Safety Advisory Committee (TSAC), a memorandum was prepared with options to address speeding and safety concerns. In particular, with the improvement to the collision database at that time, it was noted that a significant number of single motor vehicle collisions were occurring due to speed and road conditions. This review examined speed humps, rumble strips, chicanes and all-way stops. The following were the recommendations from the 2005 report:

- 1. Actively work with York Region to improve safety and to reduce congestion on Davis Drive by attempting to reduce traffic infiltrating volumes on Queen Street.
- 2. Install a yellow centre median in the road sections in an attempt to reduce speeds and monitor results as to their effectiveness.
- 3. Maintain a Radar Speed Board presence on Queen Street.
- 4. Investigate the possibility of reducing the road width through reconstruction or creating a low centre raised median.
- 5. Investigate the feasibility of applying micro surfacing to the road section.
- 6. Install a sidewalk on the south side of Queen Street.

Recommendations #1, #2, #3 and #6 have been acted upon. Recommendation #1 forms part of the current vivaNext work. Recommendation #2 has been implemented and expanded upon. The work completed as per Recommendations #2 and #3 has been instrumental in the collision reduction and speed management on Queen Street. Recommendation #4 was considered and is discussed further in this report. Recommendation #5 is still being reviewed for effectiveness. However, the reduction in motor vehicle collisions seen since the implementation of Recommendations 2 and 3 did not prompt immediate action on this item.

# <u>2011:</u>

Further action was taken in 2011 as a result of a Transportation Workshop. Staff reviewed the signage along this section of Queen Street as well as the warrants for the possibility of adding flashing amber beacons. Upon the completion of the review, some of the warning signs were adjusted, but a flashing amber beacon was not warranted and did not meet the criteria outlined in the Ontario Traffic Manuals (OTM).

### <u>June 2012:</u>

At its regular meeting of June 11, 2012, Town Council adopted recommendations in Community Services Report ES 2012-42. The report was drafted to respond to a petition requesting speed humps for Queen Street. The Council resolution was to widen and lengthen the centre median, install cross-hatching within the median and provide edge lines along the Parkview Crescent intersection (east leg). As well, some vegetation was trimmed back at the intersection to provide better east-west visibility.

### September 2012

At its regular meeting of Monday September 24, 2012, Town Council adopted recommendations from Community Services Report ES 2012-60 regarding parking restrictions. The parking restrictions were along the east and west leg of Parkview Crescent to ensure that cars would not be parked near the intersection, thereby blocking sight lines.

#### September 2013

At its regular meeting of September 9, 2013, Town Council adopted a motion by the Ward 5 Councillor that stated:

### "THAT the matter of a three-way stop sign immediately included at the east intersection of Parkview Crescent and Queen Street be referred to staff for a report."

The report being provided at this time has been researched and produced to address that September 2013 resolution.

# **COMMENTS**

## 1. WARRANTS:

As per the Town's Council-approved Transportation Management Policy, standard intersection counts were taken at both the east and west leg of Parkview Crescent and Queen Street. These counts were 5 hours in duration (7:00am to 9:00am, and 3:00pm to 6:00pm). The intersection counts were conducted about 2 weeks apart to ensure that the review was not undertaken during a potential 'low' volume day and also to take into consideration the fluctuating nature of traffic on Queen Street due to the vivaNext construction on Davis Drive.

The All-Way Stop warrants consist of three (3) parts. The first part does not apply, since the warrant deals with future signalization of the intersection. In this case, traffic signals are not planned for this intersection.

The second warrant examines the number of recorded vehicle collisions in, or adjacent to, the intersection over the last twelve (12) months. Records indicate that no vehicle collisions occurred at either intersection.

The third warrant is divided into two parts and examines traffic and pedestrian volumes. The first part of this warrant examines all the vehicles approaching the intersection on an hourly basis. The minimum traffic and pedestrian volume required is an "average hour vehicle/pedestrian volume" of 500.

The second part of this third warrant examines traffic and pedestrian volumes on an hourly basis along the minor street (Parkview Crescent in this case). The minimum traffic and pedestrian volume required is an "average-hour vehicle/pedestrian volume" of 200.

Both warrants need to be met at 100% or greater to warrant an all-way stop control. The results of the allway stop warrant analysis indicate that the all-approach warrant is at 93%, and the minor street warrant is at 7% for the Queen/Parkview east leg. The results of the all-way stop warrant analysis indicate that the allapproach warrant is at 85%, and the minor street warrant is at 6% for the Queen/Parkview west leg. Therefore, neither intersection meets the warrants required for an all-way stop control.

If Council were to consider installing the signs based on the fact that one of the percentages given above (93%) appears to be close to the warrant, it is important to note once again that BOTH WARRANTS NEED TO BE MET AT 100% or greater according to the specifications. The fact that the minor street warrant is as low as 6 percent indicates that the warrant is far from being met by a significant amount.

# 2. SAFETY

There are safety issues that need to be considered. More specifically, in its Ontario Traffic Manuals (OTM), the Ministry of Transportation of Ontario outlines additional information and consideration for all-way stop controls. In OTM Book 5 (Regulatory Signs), the Ministry outlines situations in which some inappropriate uses of all-way stop controls are to be avoided. When considering the Queen / Parkview intersection, OTM Book 5 discourages the use of all-way stop controls for the following purposes or conditions:

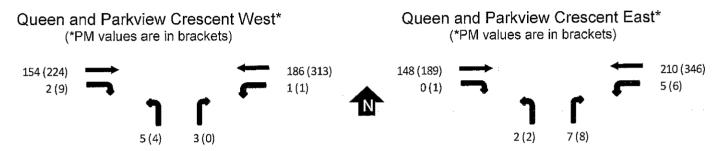
- As a speed control device;
- Where traffic would be required to stop on grades;
- As a means of deterring the movement of through traffic in a residential area.

The centre median that was installed on Queen Street was to slow traffic and to reduce motor vehicle collisions. Based on the information in OTM Book 5, the introduction of an all-way stop control at this

intersection might create the potential for increased rear-end collisions, particularly in the eastbound direction where vehicles are travelling downhill.

All-way stop controls are intended to govern the right-of-way at an intersection. The very low vehicle counts (less than 10 vehicles in the peak hours) from both legs of Parkview Crescent would not create an effective or safe intersection control. The following "Turning Movement Diagram" shows the AM and PM peak hour traffic volumes and turning movements for both intersections.

### **TURNING MOVEMENT DIAGRAM**



The peak hour volumes are very low entering and exiting Parkview Crescent at either intersection.

#### 3. OTHER METHODS

Town staff met with a representative of the Ward 5 Traffic Safety Committee on September 20, 2013 regarding the all-way stop and other potential mitigation measures that may be effective instead of an all-way stop. Staff has reviewed several mitigation measures other than an all-way stop which included:

- Speed humps, both standard and rubberized (removable)
- One-way street (Parkview Crescent)
- "Right-In / Right-Out Only" restriction
- Expansion of the centre median including impressed concrete/raised median
- Additional radar speed signage
- Crosswalks

As noted in previous reports, speed humps of any type would not be placed on a minor collector road. Furthermore, placing speed humps on a stretch of road such as Queen Street near the Parkview intersection would create a safety hazard due to the hill and curved section of road. Any sort of vertical deflection (like a speed hump) or horizontal deflection (like a chicane) would not be advised because of the grades and curves on Queen Street.

Creating a one-way on Parkview Crescent would be overly onerous on the residents and the street. However, restricting left turning movements (or any movement) out of Parkview Crescent east could be considered by enacting a by-law and posting proper signage. This would prohibit the movements that are perceived as unsafe. Such a "right-in/right-out only" restriction would require the support of the Parkview Community, and the restriction would need to be reviewed for safe operational and emergency services. Based on the low number of left turns at the East intersection shown in the "Turning Movement Diagram" above, it would appear that the Parkview Community already exercises this option to a degree.

Expansion of the centre median or raising the median would be something to consider if Haskett Park is improved on the north side of Queen Street and becomes a connection to the development areas of the Secondary Plan.

Additional radar signage is currently being exercised through the streets that have been identified as having additional traffic due to the vivaNext construction. Queen Street has been identified as one of those streets.

The Town and York Region do not endorse crosswalks, as these have been found to be dangerous since they give pedestrians a false sense of safety when crossing busy streets.

Given the above, the Town has provided a balanced approach to safety at the intersection. No additional measures are warranted at this time.

## **PUBLIC CONSULTATION**

Representatives of the Ward 5 Traffic Safety Committee were consulted to discuss additional mitigation measures prior to the production of the report.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

 Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

### IMPACT ON BUDGET

<u>Operating Budget (Current and Future)</u> No impact to the Operating Budget.

<u>Capital Budget</u> No impact to the Capital Budget.

### CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:

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Senior Transportation Coordinator

R. Prudhomme, M.Sc., P. Eng. Director, Engineering Services

R. Bingham, Ø.E.T.,

R. Bingham, Ø.E. I., Manager, Engineering & Technical Services

R. Prentice. Commissioner, Development & Infrastructure Services





DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES TOWN OF NEWMARKET

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www.newmarket.ca info@newmarket.ca

October 25, 2013

### **DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT** ENGINEERING SERVICES ES 2013-53

TO: Committee of the Whole

SUBJECT: GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89, Deviation Road

ORIGIN: **Director, Engineering Services** 

## RECOMMENDATIONS

THAT Development & Infrastructure Services Commission – Engineering Services Report ES 2013-53 dated October 25, 2013, regarding GO Railway Pedestrian Crossing Anti-Whistling, Mile 34.89, Deviation Road, be received and the following recommendation be adopted:

THAT the Town not proceed with a whistle ban proposal at the GO pedestrian crossing (mile 34.89) located at Deviation Road.

# BACKGROUND

At its regular meeting of April 12, 2010, Council considered Community Services Report 2010-33 and adopted the following recommendations:

THAT Community Services Engineering Services Report 2010-33 dated March 31, 2010, regarding GO Railroad Pedestrian Crossing Enhancements and Main Street North and London Road Intersection Signalization be received and the following recommendation(s) be adopted:

- 1. THAT this report be received for information purposes only
- 2. AND THAT the Town proceed with the necessary steps to incorporate a whistle ban at the Main Street North and London Road intersection pedestrian crossing from 11:00pm – 6:00am daily.

Staff met with representatives from both Metrolinx and Transport Canada to review the Town's request to implement a partial whistle ban (from 11:00 p.m. to 6:00 a.m. daily) at the GO pedestrian crossing located at Deviation Road, in the Main St. N. and London Rd. area (see map on the last page of this report).

Upon review of the Town's request, Metrolinx advised that part-time or partial whistle bans are no longer supported. The reasons given were that Metrolinx needs to ensure consistency and safety for the travelling public at all crossing facilities and that Transport Canada recommends against partial bans. Metrolinx further advised that "Transport Canada's guidelines on these matters suggest that generally whistling restrictions should be on a 24 hour basis."

A 24 hour train whistle ban is not recommended for safety reasons. There is significant research that correlates increased accidents at level crossings with whistle bans.

Furthermore, there are increased liability issues to the Town if anti-whistling is implemented. When a municipality enters into a whistle cessation agreement, it must assume all liability, including claims, losses, damages, costs or expenses, etc. related to the pedestrian crossing. Staff has reviewed municipal insurers' positions from our own Town and from other municipalities who considered implementing anti-whistling. We have concluded that, from a Risk Management perspective, municipal insurers do not recommend the implementation of a Whistle Cessation Bylaw. As municipalities are facing increasing liabilities on municipal lands and with potential claims at railway crossings being substantial, our own insurer recommended that we do not transfer this liability to the Town.

And finally, another reason for not recommending the by-law is that anti-whistling orders are never final. Regardless of the implementation of an anti-whistling by-law, the train operator has the ultimate sole discretion to disregard the order and blow the train horn anyway if he or she has any safety concerns. As a result, the train horns may sound even when the whistle cessation by-law has been enacted.

Although the whistle ban is not being recommended in this report, the Town has nonetheless gained a significant value-added benefit from this exercise. Reviewing and enhancing the safety features at the crossing has made the facility safer for pedestrians and users of the trail system, thereby benefitting the entire Town.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

Provide efficient, effective and environmentally sound service to a level that achieves Council and/or Provincially mandated service level which meets public health and safety requirements and enhance quality of life.

### PUBLIC HEALTH AND SAFETY IMPACT

Safety at the Go Pedestrian Crossing will continue to be maintained with the existing safety enhancements and signing.

### **HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this report.

### **BUDGET IMPACT**

<u>Operating Budget (Current and Future)</u> No impact of the Operating Budget

<u>Capital Budget</u> No impact of the Capital Budget

# **CONTACT**

For more information on this report, please contact Rick Bingham, Manager of Engineering and Technical Services at 905-953-5300 ext. 2505, rbingham@newmarket.ca

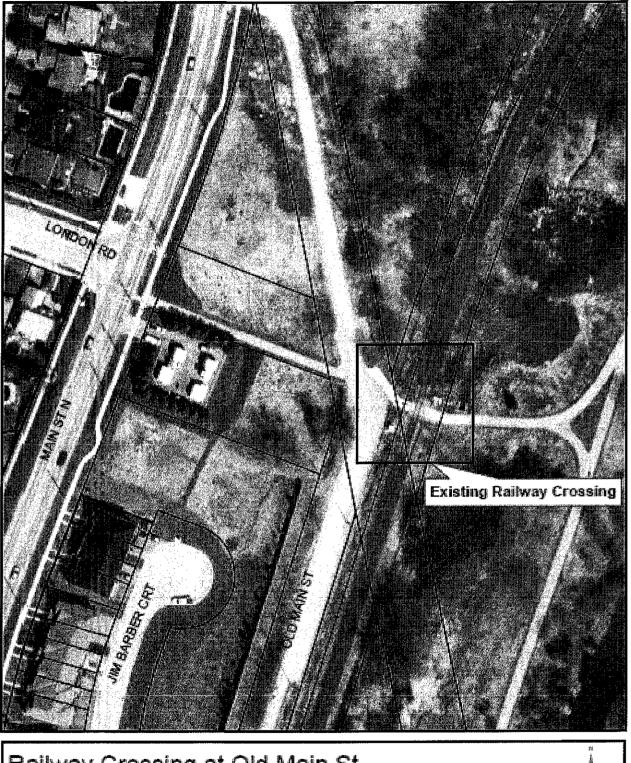
Rachel Prudhomme, M.Sc., P.Eng., Director of Engineering Services

Rick Bingham, *G*.E.T. Manager of Engineering Services and Technical Services

Robert Prentice, Commissioner of Community Services

RB:jlk

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Railway Crossing at Old Main St.

10 20 40 Medens



DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICESTOWN OF NEWMARKET395 Mulock Drivewww.newmarket.caP.O. Box 328info@newmarket.caNewmarket, ONL3Y 4X7905.895.5193

October 28, 2013

## DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2013-54

- TO: Committee of the Whole
- SUBJECT: Traffic By-law (By-law 2011-24) Housekeeping Amendments File No.:T08 T.30
- ORIGIN: Director, Engineering Services

## RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2013-54, dated October 28, 2013 regarding Traffic Bylaw (By-law 2011-24), be received and the following recommendation(s) be adopted:

1. THAT the definition of Personal Mobility Device be deleted, and the new definition be added;

Personal mobility device is a compact motorized transportation device used to allow greater freedom of movement. Personal mobility devices include forms like motorized wheel chairs, motorized mobility scooters, and Segways.

- 2. AND THAT the errors noted in Appendix A of this report be amended with the recommended wording;
- 3. AND THAT Gorham Street at Harry Walker Parkway, 1 way eastbound on Gorham Street in Schedule III (Stops Signs) be deleted, and that Harry Walker Parkway at Gorham Street be added to Schedule VIII (Signaled Intersections);
- 4. AND THAT Schedule IX be amended by removing 'Lockwood Circle North East' and removing 'Stonehaven Avenue & Kingsmere Avenue South East', and adding 'Stonehaven Avenue & Kingsmere Avenue/Lockwood Circle North East';
- 5. AND THAT the additional stop sign location in Appendix B be added to Schedule III (Stop Signs);
- 6. AND THAT the necessary Bylaws be prepared and submitted to Council for their approval.

### COMMENTS

This report is a housekeeping exercise to correct minor mistakes, add missing items and add clarity to certain components.

<u>Recommendation 1.</u> There was some confusion regarding Segways and that they only be used by the physically disabled. In fact, the definition was referring to a Segway as a form of personal mobility device. The definition is amended as follows:

Personal mobility device is a compact motorized transportation device used to allow greater freedom of movement. Personal mobility devices include forms like motorized wheel chairs, motorized mobility scooters, and Segways.

Recommendation 2. As found in Appendix A, this is a list of typographical errors to be corrected.

<u>Recommendation 3.</u> This recommendation removes the minor stop control on Gorham Street for the traffic signals that were installed.

<u>Recommendation 4</u>. This recommendation is to correct an issue with Schedule IX (School Crossing Locations). During the preparation of the by-law, the Stonehaven & Kingsmere/Lockwood was split out to give the appearance that Lockwood Circle had a separate school crossing location. The correct school crossing location is:

Stonehaven Avenue & Kingsmere Avenue/Lockwood Circle – North East

The direction reference 'North East' refer to the leg of the intersection that the crossing is located.

<u>Recommendation 5</u>. As found in Appendix B, this is a list of stop sign locations to be added to Schedule III. The majority of these intersections are from the northwest and southeast sections of Town.

Therefore, it is recommended that the above changes be made to improve the accuracy of the Traffic Bylaw.

### PUBLIC CONSULTATION

No public consultation was undertaken for this report.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

• Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

#### IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact to the Operating Budget.

Capital Budget

No impact to the Capital Budget.

# CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:

M. Kryzanowski, M.C.I.P., R.P.P Senior Transportation Coordinator

R. Prudhomme, M.Sc., P. Eng. Director, Engineering Services

R. Bingham, C.E.T., Manager, Engineering & Technical Services

R. Prentice. Commissioner, Development & Infrastructure Services

# Appendix A

Section 22.2 b). The word 'that' should be replaced with 'than'. The sentence should read:

The driver of any vehicle from stopping for a period of not more THAN forty-five......

Schedule III – Stop Signs.

The direction of '1-way' needs to be added to Maple Hill Court at Harry Walker Parkway.

The direction of '1-way' needs to be added to Nicholson Drive at Harry Walker Parkway.

# Appendix B

**Type** 1 way 1 way 1 way 1 way 2 way

2 way 2 way 1 way 1 way 1 way 1 way 2 way 1 way

1 way 2 way 1 way 1 way 1 way 1 way 1 way 2 way 2 way 2 way 1 way 1 way 3 way 1 way 1 way 2 way 2 way 2 way 1 way 1 way 1 way 1 way 1 way 1 way 2 way 1 way 2 way 2 way 2 way 1 way 1 way 2 way 2 way 1 way 1 way 3 way 3 way 3 way 3 way 3 way

Location
Art Westlake Avenue at Atkins Drive
Aspenwood Drive at Roadhouse Boulevard
Atkins Drive at Cenotaph Boulevard
Atkins Drive at Blencowe Crescent
Blackhall Crescent (East arm) at Veterans Way
Blackhall Crescent (West Arm) at Veterans Way
Bob Gapp Drive at Atkins Drive
Bob Gapp Drive at Memorial Circle
Bob Scott Court at Foxcroft Boulevard
Bonshaw Avenue at Gilpin Drive
Bulmer Crescent at Carlissa Run
Carlissa Run at Ford Wilson Boulevard
Cenotaph Boulevard at Memorial Circle
Cheryl Mews Boulevard at Ford Wilson Boulevard
Cliff Gunn Road at Carlissa Run
Cliff Gunn Road at Cheryl Mews Boulevard
Blencowe Crescent (South arm) at Atkins Drive
Blencowe Crescent at Memorial Circle
Emma Broadbent Court at Aspenwood Drive
Ernest Cousins Circle at Grainger Trail
Ernest Cousins Circle at Poppy Lane
Ernest Cousins Circle at Poppy Lane
Ernest Cousins Circle at Veterans Way
Foxcroft Boulevard at Bob Scott Court
Frederick Curran Lane at Art West Avenue Grainger Trail at Memorial Circle
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Gilpin Drive at Roadhouse Boulevard Goring Circle at Grainger Trail
Goring Circle at Poppy Lane
Goring Circle at Poppy Lane
Goring Circle at Veterans Way
Hans Pfaff Court at Poppy Lane
Hopper Lane at Cheryl Mews Boulevard
Hopper Lane at Cliff Gunn Road
Inniscarra Gate at Ford Wilson Boulevard
Karl Rose Trail at Art West Avenue
Karl Rose Trail at Ray Snow Boulevard
Ken Bishop Way at Carlissa Run
Ken Bishop Way at Cheryl Mews Boulevard
Kwapis Boulevard at Bonshaw Avenue
Kwapis Boulevard at Bonshaw Avenue
Mae Brooks Drive at Carlissa Run
Mae Brooks Drive at Cheryl Mews Boulevard
McCron Crescent at Atkins Drive
McTavish Drive at Bob Gapp Drive
McTavish Drive at Bob Gapp Drive
McTavish Drive at Cenotaph Boulevard
McTavish Drive at Blencowe Crescent
Memorial Circle at Grainger Trail
Memorial Circle at Grainger Trail
Memorial Circle at Poppy Lane
Memorial Circle at Poppy Lane
Memorial Circle at Veterans Way

Direction
eastbound on Art Westlake Avenue
eastbound on Aspenwood
northbound on Atkins Drive
northbound on Atkins Drive
northbound on Blackhall Crescent (East arm)
northbound on Blackhall Crescent (West arm)
northbound on Bob Gapp Drive
northbound on Bob Gapp Drive
westbound on Bob Scott Court
westbound on Bonshaw Avenue
southbound on Bulmer Crescent
eastbound on Carlissa Run
eastbound on Cenotaph Boulevard
eastbound on Cheryl Mews Boulevard
southbound on Cliff Gunn Road
northbound on Cliff Gunn Road
westbound on Blencowe Crescent
westbound on Blencowe Crescent
southbound on Emma Broadbent Court
eastbound on Ernest Cousins Circle
northbound on Ernest Cousins Circle
southbound on Ernest Cousins Circle
southbound on Ernest Cousins Circle
southbound on Foxcroft Boulevard
eastbound on Frederick Curran Lane
southbound on Grainger Trail
northbound on Gilpin Drive
eastbound on Goring Circle
northbound on Goring Circle
southbound on Goring Circle
southbound on Goring Circle
southbound on Hans Pfaff Court
northbound on Hopper Lane
southbound on Hopper Lane
westbound on Inniscarra Gate
eastbound on Karl Rose Trail
southbound on Karl Rose Trail
southbound on Ken Bishop way
northbound on Ken Bishop way
northbound on Kwapis Boulevard
southbound on Kwapis Boulevard
southbound on Mae Brooks Drive
northbound on Mae Brooks Drive
westbound on McCron Crescent
northbound on McTavish Drive
southbound on McTavish Drive
northbound on McTavish Drive
northbound on McTavish Drive
eastbound on Memorial Circle
northbound on Memorial Circle
northbound on Memorial Circle
southbound on Memorial Circle
northbound on Memorial Circle

Development & Infrastructure Services Report ES2013-54 October 28, 2013 Page 6 of 6

Memorial Circle at Veterans Way Poppy Lane at Memorial Circle Quaker Trail at Quaker Trail Quick Street at Stuffles Crescent (South Arm) Rannie Road at Ritas Avenue Rannie Road at Ritas Avenue Ray Snow Boulevard at Art West Avenue Ray Snow Boulevard at Woodspring Avenue Riordan Court at Cenotaph Boulevard Ritas Avenue at Rannie Road Ritas Avenue at Rannie Road Ritas Avenue at Tom Taylor Crescent Roadhouse Boulevard at Emma Broadbent Court Roadhouse Boulevard at Kwapis Boulevard Ross Patrick Crescent (East Arm) at Carlissa Run Ross Patrick Crescent (West Arm) at Carlissa Run Sherman Brock Circle at Cenotaph Boulevard Sherman Brock Circle at Cenotaph Boulevard Sherman Brock Circle at Grainger Trail Sherman Brock Circle at Poppy lane Sherman Brock Circle at Poppy lane Sherman Brock Circle at Stuffles Crescent Sherman Brock Circle at Veterans Way Shortreed Terrace at Art Westlake Avenue Shortreed Terrace at Atkins Drive Stuffles Crescent (East Arm) at Atkins Drive Stuffles Crescent (West Arm) at Atkins Drive Stuffles Crescent (North Arm) at Quick Street Veterans Way at Memorial Circle William Dunn Crescent at William Dunn Crescent Williamson Family Hollow (East Arm) at Carlissa run Williamson Family Hollow (West Arm) at Carlissa run

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southbound on Memorial Circle eastbound on Poppy Lane southbound on Quaker Trail southbound on Quick Street northbound on Rannie Road southbound on Rannie road eastbound on Ray Snow Boulevard southbound on Ray Snow Boulevard southbound on Riordan Court eastbound on Ritas Avenue westbound on Ritas Avenue eastbound on Ritas Avenue northbound on Roadhouse Boulevard eastbound on Roadhouse Boulevard northbound on Ross Patrick Crescent (East Arm) northbound on Ross Patrick Crescent (West Arm) northbound on Sherman Brock Circle southbound on Sherman Brock Circle eastbound on Sherman Brock Circle northbound on Sherman Brock Circle southbound on Sherman Brock Circle southbound on Sherman Brock Circle northbound on Sherman Brock Circle northbound on Shortreed Terrace northbound on Shortreed Terrace northbound on Stuffles Crescent (East Arm) northbound on Stuffles Crescent (West Arm) eastbound on Stuffles Crescent (North Arm) eastbound on Veterans Way northbound on William Dunn Crescent northbound on Williamson Family Hollow (East Arm) northbound on Williamson Family Hollow (West Arm) 93



**DEVELOPMENT & INFRASTRUCTURE SERVICES – ENGINEERING SERVICES** 

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October 29, 2013

### DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2013-55

TO: Committee of the Whole

SUBJECT: School Crossing Locations Request – Maple Leaf Public School File No.:T08 T.30 Longford

ORIGIN: Director, Engineering Services

# RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2013-55, dated October 29, 2013 regarding School Crossing Locations Request – Maple Leaf Public School be received and the following recommendation(s) be adopted:

1. THAT the Maple Leaf Public School administration be forwarded a copy of this report and Council extract and be encouraged to pursue school bus options with the parents on the east side of Main Street North.

# **COMMENTS**

At its regular meeting of September 30, 2013, Town Council adopted a recommendation under New Business to investigate the request from Maple Leaf Public School for school crossing locations in the area. An email from the school administration specified locations at the Longford Drive /Cherrywood Drive and Longford Drive/Gwillimbury Road intersections, and at the Main/Penn intersection since the school catchment area extends to the east side of Main Street North.

For the Longford/Cherrywood or Longford/Gwillimbury locations, the Transportation Management Policy outlines the criteria for implementing school crossing locations with school crossing guards. The Policy is derived from the Ontario Traffic Council (OTC) update in 2006 to the Ministry of Transportation (MTO) manual of 1992. Based on the Policy, the necessary pedestrian and traffic counts were undertaken. The Policy is not solely based on the number of children crossing, but also the available gaps in traffic to cross the street and on the interaction between pedestrians and motorists. Since both intersections are all-way stop controls, sufficient gaps will always be created through the right-of-way control nature of the stop sign. However, the studies were conducted with the assumption that the stop signs are not present to create a 'worst case' scenario for children to cross the street.

Based on the study, both intersections have sufficient number of gaps in the traffic to accommodate the children crossing Longford at Cherrywood and Longford at Gwillimbury. Therefore, school crossing locations with a school crossing guard is not warranted at this time. The parents and school children should be commended on the orderly nature of the children crossing Longford Drive and on the high percentage of parents accompanying their children. As well, a "Walking School Bus" (i.e. - a few parents and several children walking together in a line) was noted coming from south of the school site.

As for the Main Street North/Penn Avenue location, the number of children crossing does not meet the required minimum number required by the Transportation Management Policy. However, the high volumes on Main Street North preclude any sufficient or consistent gaps in traffic. This intersection has been reviewed previously for an all-way stop control and traffic signals. The all-way stop control would not be the safest alternative and would not be recommended. For this reason, the introduction of a school crossing location with a crossing guard would be met with similar safety concerns. Traffic signals would be the only feasible and safe alternative.

As for the ultimate solution, the Town, in conjunction with Metrolinx, will be undertaking a Mobility Hub station wide-area plan that would contemplate new or enhanced control access points on Main Street North (most likely to include traffic signals at the Main/Penn intersection) to support future station needs. However, this does not address the immediate needs in the interim. Town staff has contacted the School Board to determine alternatives related to the school busing policy. As a potential solution, a school bus of some type could pick up and drop off the children on the east side of Main Street North. Such a solution would remove the necessity for children to cross Main Street North. The school administration, the parents and the School Board would need to undertake this exercise.

It is therefore recommended that a copy of this report be forwarded to the Maple Leaf Public School administration, and that the administration encourage the parents to pursue the options with bussing.

## PUBLIC CONSULTATION

TMAC has reviewed the recommendations for the Longford locations and is supportive of the recommendations.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

• Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### HUMAN RESOURCE CONSIDERATIONS

No impact to current staffing levels.

# IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact to the Operating Budget.

Capital Budget

No impact to the Capital Budget.

# **CONTACT**

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; mkryzanowski@newmarket.ca.

Prepared by:

M. Kryzanówski, M.C.I.P., R.P.P Senior Transportation Coordinator

R. Prudhomme, M.Sc., P. Eng. Director, Engineering Services

15. R. Bingham, C. A.T.,

Manager, Engineering & Technical Services

R. Prentice. Commissioner, Development & Infrastructure Services

Development & Infrastructure Services Report ES 2013-55 October 29, 2013 Page 4 of 4





Locations Studied



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November 7, 2013

#### DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES ES 2013-56

- TO: Committee of the Whole
- SUBJECT: Town of Newmarket Landmark Estates Residential Subdivision, Phase 1 RP – 65M-3437 Request for Final Acceptance and Assumption of Aboveground Works Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road ES File No.: D.24.60
- ORIGIN: Director, Engineering Services

### RECOMMENDATION

THAT Development and Infrastructure Services Report – ES 2013-56 dated November 7, 2013 regarding the Final Acceptance and Assumption of Aboveground Works be received and the following recommendation(s) be adopted:

- 1. THAT the request for final acceptance and assumption of aboveground works on Clearmeadow Boulevard between Yonge Street and Jordanray Boulevard/Rannie Road within the Landmark Estates Residential Subdivision – Phase 1 as shown on the attached map be finally accepted and assumed by the Town;
- 2. AND THAT Mr. Tony Orsi of Landmark Estates (1209104 Ontario Ltd.), and Mr. Andrew lp, P.Eng., of Masongsong Associates Engineering Ltd. be notified of these recommendations.

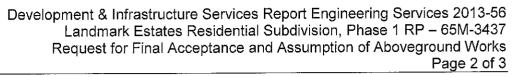
### BACKGROUND

We are in receipt of an application from Masongsong Associates Engineering Ltd. on behalf Landmark Estates (1209104 Ontario Ltd.) pursuant to Clearmeadow Boulevard, between Yonge Street and Jordanray Boulevard/Rannie Road within the Landmark Estates Residential Subdivision, Phase 1 Subdivision Agreement wherein a request for final acceptance and assumption of aboveground works is made.

The maintenance period for works has been satisfied and all requirements for assumption have therefore been met.

All required documentation has been provided and reviewed by our checking consultant R.J. Burnside & Associates Ltd., and at this time no recommendation to release the performance security has been made.

The recommendations apply only to engineering matters and are subject to comments of applicable Town departments.



#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well Equipped and Managed...provides a thorough and timely consideration of applications for development and redevelopment in accordance with all statutory requirements;
- Well Planned and Connected...continues to improve the quality of the road network within the Town of Newmarket.

#### CONSULTATION

4 4

There is no public consultation with this recommendation.

#### BUDGET IMPACT

#### **Operating Budget (Current and Future)**

With this recommendation, the above captioned subject road within Landmark Estates Residential Subdivision, Phase 1 will now be under the Town's Operating Budget.

### **CONTACT**

For more information on this report, contact Victoria Klyuev at 905-895-5193 extension 2513 or by e-mail at, <u>vklyuev@newmarket.ca</u>

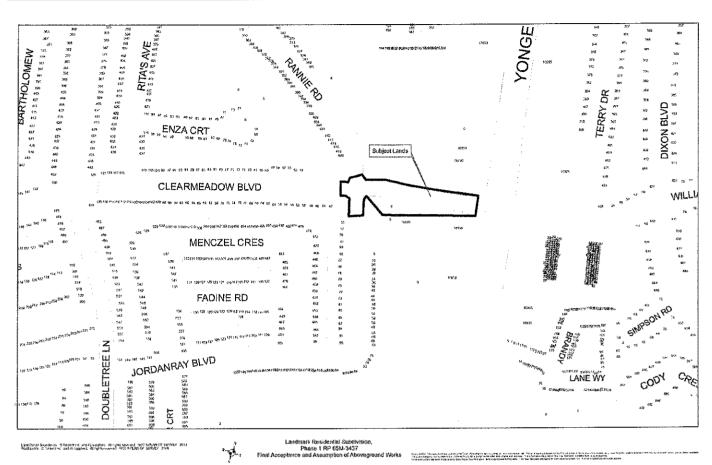
Victoria Klygev, B.A., C.E.T., Senior Engineering Development Coordinator Residential

Rick Bingham, C. Z.T., Manager. Engineering and Technical Services

Rachel Prudhomme, M.Sc., P.Eng., Director Engineering Services

Rob Prentice, Commissioner Development and Infrastructure Services

Development & Infrastructure Services Report Engineering Services 2013-56 Landmark Estates Residential Subdivision, Phase 1 RP – 65M-3437 Request for Final Acceptance and Assumption of Aboveground Works Page 3 of 3





www.newmarket.ca planning@newmarket.ca 905.953.5321

November 14, 2013

Newmarket

### DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-55

- TO: Committee of the Whole
- SUBJECT: Application for Zoning By-Law Amendment, 178, 180, 184, 188, 190 and 194 Main Street Main Street Clock Inc. Files: D14 NP 13-19

ORIGIN: Application Submitted to the Planning Department

### **RECOMMENDATIONS**

THAT Development and Infrastructure Services – Planning and Building Services 2013-55 dated November 14, 2013 regarding application for zoning by-law amendment be received and the following recommendation(s) be adopted:

- 1. THAT the application for zoning by-law amendment, as submitted by Main Street Clock Inc. for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be referred to a public meeting;
- 2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- 3. AND THAT Chris Bobyk, The Forrest Group 590 Alden Road, Suite 211, Markham, ON L3R 8N2be notified of this action.

# **COMMENTS**

### **Location**

The subject lands are located on the southwest corner of Main Street South and Park Avenue municipally known as 178, 180, 184, 188, 190 and 194 Main Street (See Location Map attached).

### <u>Proposal</u>

Main Street Clock Inc. have submitted an application for zoning by-law amendment to amend the existing Historic Downtown Urban Centre (UC-D1) zone to permit a mid-rise 6 storey mixed use building on the subject property consisting of 150 Residential units above 10 units of ground floor commercial and two levels of underground parking (173 spaces) while retaining the historic Post Office/Clock Tower building. The three buildings south of the Clock Tower are proposed to be demolished and redeveloped. The proposal also contemplates the conveyance of a parcel of Town owned land in the northeast corner of Market Square. This parcel is currently grassed and used for utility boxes. The proposed two storeys of underground parking would extend under the existing library parking and a portion of the Market Square parking lot. If deemed appropriate, it will be necessary to provide easements to allow the underground parking garage to extend into Town owed property.

## Site Description

- the Subject lands currently contain the two storey post office building at the corner of Main Street South and Park Avenue and addition that runs along Park Avenue. The subject lands also contain the 3 two storey commercial buildings fronting on Main Street, south of the above noted former Post Office building.
- total lot area is approximately 0.27 hectares with a frontage on Main Street of ± 55 metres and a frontage on Park Avenue of ± 87 metres.
- the surrounding land uses are:

North: Trinity United Church and low density residential further west along Park Ave.

South: Existing Commercial with residential apartments above.

West: Newmarket Public Library and the Market Square parking lot.

East: Existing Commercial and urban park land.

### Preliminary Review

## **Official Plan Considerations**

One of the goals and strategic directions of the Plan is the protection and enhancement of the natural and cultural heritage of the Town. Section 1.3.2 indicates that the protection of the Town's cultural heritage will be a priority for the Town and that the preservation, restoration and utilization of the Town's heritage resources is vital for the retention of the Town's cultural identity.

Section 1.3.6 under the strategic directions entitled *Revitalization of the Historic Downtown* indicates that the Historic Downtown is the traditional Central Business District of Newmarket and that there is significant opportunity for growth and change that would facilitate the achievement of the Plan's strategic directions. Additional development in this area would achieve the sustainability goal by providing an opportunity to live close to services without the need to burden the road system. The Official Plan goes on to indicate that with additional development, the rich history of the area will be protected for the enjoyment of residents as the Plan builds on the Newmarket Historic Downtown Community Improvement Plan. The mix and design of retail and service, office, institutional, entertainment, recreational and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown at an Urban Scale in harmony with the rich heritage of the surrounding residential neighbourhoods.

The Subject Property is designated Historic Downtown Centre on Schedule A - Land Use Plan to the Town's Official Plan.

The Historic Downtown Centre designation permits a number of uses including residential uses up to 80 units per net hectare. The Official Plan allows for greater densities provided background studies demonstrate that the proposed development will not create an unacceptable level of traffic, and will be compatible with the existing surrounding development. To demonstrate this, the Official Plan requires a number of studies to be submitted including a Shadow Impact Study, Traffic Impact Study, Heritage Impact Assessment, Environmental Site Assessment, Functional Servicing Report and Planning Justification Report discussed further in this report.

One of the Official Plan's primary goals is to revitalize the Historic Downtown. Policies related to this portion of Main Street encourage improvements in the form of infill development and rehabilitation that is at a scale that retains the historic character of the area. The plan encourages retail uses along Main Street with residential units on the upper floors and encourages pedestrian activity by providing adequate links to Main Street and landscaped sidewalks.

In summary, the Official Plan would encourage appropriate residential and commercial redevelopment in scale with the historic character of Main Street South.

## Zoning Bylaw Considerations

The subject property is currently zoned Historic Downtown Urban Centre Zone (UC-D1) by comprehensive zoning By-Law 2010-40. The UC-D1 zone includes an apartment building as a permitted use. The performance standards for this zone have a minimum height of 2 storeys and a maximum height of 3 storeys, a minimum floor space index if 0.5 and a maximum floor space index of 1.0. There are no yard setbacks in this zone category as many of the existing buildings are built to the lot lines.

The applicant is proposing to amend the existing zone of the property to allow for a 6 storey building stepped back from Main Street with a floor space index of 4.25. Relief from the parking requirements is also being requested. The current zoning By-law would require 1.75 parking spaces per unit which equals 263 spaces for the proposed 150 apartment units. The applicant is proposing 173 spaces which amounts 1.15 spaces per unit.

The proposed commercial units that are replacing existing units will not have parking requirements associated with them. However, the newly proposed commercial units would be required to provide parking or cash in lieu of same. The current rate for cash in lieu of parking for the Downtown area is \$1500 per space. This can be applied to the deficient parking spaces for the residential units as well as the newly proposed commercial units if this application is approved.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

# Heritage Conservation District

Council have recently passed a By-law to implement the Heritage Conservation District Plan for Lower Main Street South. The by-law is currently in the Notice of Appeal period which ends on December 2, 2013. If there are no appeals received, the HCD Plan will be in full force and effect on December 3, 2013. While these applications have been made prior to the Heritage Conservation District being in full force, the development proposal will be reviewed against the policies and objectives of the Plan.

## Purpose

The purpose of the Heritage District Plan is to establish a framework for assessing and guiding proposals by private property owners and the municipality's proposals for public works to ensure that change contributes to the district character. The Plan also list the types of proposals requiring heritage review, offers guidance on building conservation, gives guidance on adapting existing buildings and identifies where new compatible construction would be appropriate.

# Types of Buildings

The Plan identifies three types of buildings and provides guidelines for each building in the proposed district. The building hierarchy are those that are Historic, those that are complementary to the district and other buildings that are neither historic nor complementary. The Clock Tower building at the southwest corner of Main Street South and Park Avenue is identified as a Historic Landmark Building. The remainder of the buildings under this application are designated Historic Commercial buildings with the exception of a small infill building at 190 Main Street filling in what used to be an alley space between 188 and 194 Main Street which is designated as neither historic nor complementary.

### Goal of the Plan

The overreaching goal of the Plan is to revitalize the Lower Main Street South District while preserving its historic character. The Plan has a number of objectives and policies to achieve this goal. The policies of the Plan, specifically as they relate to buildings identified as historic (Historic Landmark buildings and Historic Commercial Buildings), supports the retention of historic buildings in the district. If a property owner proposed to demolish a building, a heritage impact assessment may be required to ascertain whether there are alternatives to demolition. The Town is not obligated to issue a demolition permit.

### Plan Policies

The HCD Plan also contains policies in relation to new construction. This section of the Plan indicates that the Town will favour proposals for new construction that propose:

- building height is not less than two storeys and not more than three storeys and is complementary to adjacent historic buildings and the streetscape;
- there is zero front yard setback and zero side yards;
- the facade shows a vertical orientation (or vertical directional emphasis) by segmenting the mass of the building into units of two or three bays across and by placing windows that are taller than they are wide in the upper floor;
- the ground floor of the facade is mostly taken up by plate glass display windows, the upper floor (or floors) shows a rhythm of windows spaced across the wall, and clay brick of light buff or red colour clads ground-floor piers and the upper-floor wall;
- floors align, or align approximately, with floors of adjacent historic buildings, allowance being made for changes in grade on the Main Street South hill;

- the facade is surmounted by a flat roofline, either a decorative brick cornice or a decorative brick parapet;
- signage is integrated into the ground floor design; and,
- at corner locations, the design addresses the corner and presents two street facades.

The appropriateness of any new design would be demonstrated through a heritage impact assessment in which the impact of the new design on adjacent historic buildings, the streetscape and the district is assessed. A heritage impact assessment has been submitted for this application and discussed further below.

## Views

The HDC Plan discusses the importance of the protection of views to, from and within the district. Specifically, the Plan indicates the Town will review application for their potential impact on existing views including views of the districts four landmark buildings, one of which being the Clock Tower.

## Guidelines

The HDC Plan also contains a number of Guidelines identifying minor improvements to the Post Office building such as filling in holes in the brick work where flag poles and window shields were once mounted. The Guidelines also provide a four step process for approaching improvements or restoration of Historic Commercial Buildings. Section 5.6 of the Plan identifies guidelines for New Construction which are based on the policies for new construction identified above.

The HDC Plan provides a number of suggestions for buildings within the district which are provided below for the properties that form this application. The applicant has indicated that they will integrate heritage facades as part of the redevelopment where feasible. It is noted that the submitted Heritage Impact Assessment also recommends that some form of integration of the existing heritage structures/facades into the development be considered. Further, a structural investigation and a Conservation Plan will be required to determine the appropriate conservation strategy.

184 Main Street South – The Plan recommends that after the siding is removed from the storefront and upper floor and the roughcast plaster beneath is exposed, restoration based on historic photographs and the fire insurance plans should occur. This is one of the district's few buildings where a plaster finish – authentic roughcast and not synthetic EIFS – is recommended. The restored plaster finish should be left in its natural state and not tinted with colour, as was typical, unless there is evidence in the underlying roughcast plaster of a colour tint.

188 Main Street South – The Plan recommends that the siding on the ground floor and upper floor should be removed. If the underlying brick veneer is not irretrievably damaged, restoration based on historic photographs should occur.

194-196 Main Street South – Historic photographs shows at No. 194 an identical building to No. 196. The siding covering No. 194 should be removed, and restoration of the upper floor and storefront should proceed if the underlying brick is not irretrievably damaged.

# Comments

The proposal by the applicant for redevelopment of these buildings on Main Street South would assist in the revitalization of Downtown Newmarket by providing a number of residential units in the core and

providing additional commercial units along Park Avenue as encouraged by the Plan. However, the proposal does not meet significant policies of the Heritage Conservation District Plan by exceeding the 3 storey height limitation and not preserving in situ Historic Commercial Buildings. To assist in the on-going review of the application against the HCD Plan, a Heritage Impact Assessment has been submitted. Staff will provide further analysis of this proposal against the HCD Plan in a comprehensive report after the required Statutory Public Meeting has occurred.

## Heritage Impact Assessment

A heritage impact assessment is a report prepared by a qualified heritage specialist to assess the impacts demolition, removal, significant alteration or new construction may have on the character of the building, property, its surrounding context and/or a historic area. Submitted with the application is a Heritage Impact Assessment for 180-194 Main Street South prepared by Goldsmith Borgal & Company Architects.

The HIA provides a historical and contextual background and an architectural review for for Main Street and specifically the structures under this application. The report provides a review of the Town's Official Plan and the Lower Main Street South Heritage Conservation District Plan and the relevant policies.

The report asserts that the proposal addresses the Town's policies by:

- Developing a site within the Historic Downtown which has been identified as an area with a significant opportunity for growth as it would achieve the sustainability goal of providing an opportunity to live close to services without the need to burden the road system.
- Including a multi-unit residential and commercial uses to achieve a mix of uses within the Historic Downtown.
- Proposing a use that has the potential to revitalize the Historic Downtown.

The report also acknowledges that the proposal does not meet the Town's policies and objectives related to heritage, such as;

- Maintaining the historic scale in the Historic Downtown at Two, two-and-one-half, or three stories.
- Protecting heritage by retaining and restoring existing buildings.

The Heritage Impact Assessment continues by providing specific details on the proposed development against the polices of the Heritage Conservation District Plan. The report indicates how these policies can be achieved, and where there is conflict, recommendations are made on how to mitigate the impact increased density would have on the heritage aspects of the District.

The Town is in the process of securing a peer review consultant to review the HIA and comment on the submitted plan. Final comments on the HIA will be provided in a future report to Committee of the Whole.

### Shadow Study

A shadow study has been prepared for the proposal that details impacts of shadowing on the surrounding neighbourhood at the spring and fall equinoxes and summer solstice. The shadow impacts are shown at 9am, 12pm, 2pm and 4pm. Shadow Studies illustrate the impact of development in terms of sun and

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daylight access to the surrounding context including surrounding buildings, the public realm, public and private open space.

The shadow studies submitted show little impact on the low density developments to the west of Main Street. There appears to be significant shadowing on the public streets of Park Avenue and Main Street. Staff have requested a current condition shadow study be submitted to clarify the cumulative impacts the proposed building would have over the existing situation.

### **Departmental and Agency Comments**

*Heritage Newmarket* have completed a preliminary review of the proposal and provided comments to staff. The comments relate to questions of clarification on the submitted Heritage Impact Assessment as well as providing photographs of existing views to landmark buildings (The Old Post Office, Trinity United Church and Old Town Hall) that would be impeded if this proposal were to be approved in its current state. It is intended that that applicant and heritage consultant will attend Heritage Newmarket on December 3<sup>rd</sup> to present the proposal and answer any questions the committee have. Further comprehensive comments will be included in a report to Committee of the Whole after the public meeting is held.

The Town has received comments from various utilities that will be addressed throughout the planning process.

Engineering services have reviewed the Traffic Impact and Parking Study, Functional Servicing Report and Phase 1 and 2 Environmental Site Assessments and have the following comments to offer:

#### **Traffic Impact Study and Parking**

The Traffic Impact and Parking Study (TIPS) only analyses traffic operations on week-days – Saturday traffic operations should also be considered.

The Report assumes no traffic generation from the Commercial Retail Units (CRU). Vehicle traffic is likely to be generated from the CRU and therefore some traffic generation should be forecast.

Additional sight distance work needs to be completed based on a design speed of 50km/h opposed to the 45km/h in the report.

The adequacy of the parking supply proposed for the residential use should be further reviewed within the context of all of the uses proposed including the CRU.

Insufficient justification is provided to support the conclusion that no parking is required for the proposed CRU.

The TIPS does not provide any analysis of the impacts of the site redevelopment based on the replacement of the existing uses. Further consideration of these factors may result in the need for additional parking.

#### Sanitary Sewage

Sanitary sewage from this development as proposed will discharge to the existing sanitary sewer on Main Street. The capacity of only the sanitary sewer on Main Street fronting this property has been reviewed in the FSR. No analysis has been carried out to confirm that adequate capacity exist in the downstream

system for the flows generated by this development. The applicant will be required to carry out a study to confirm that adequate capacity exists or determine what downstream improvements are required to the sanitary system. All cost for the study and any downstream improvements necessary will be the sole responsibility of the applicant.

# Water Supply

The report did not provide any hydrant flow information or modelling to confirm if the existing watermains are adequate to service the proposed development. The consultant should provide either modelling or a hydrant flow test on the watermain where the connection is proposed to confirm that the existing watermain is adequate.

Additional analysis for the Fire Underwriters Survey calculation is required (projected fire flow rate).

# Storm Drainage

The existing site is generally impervious. The proposed development will have minimal impact on the quantity of storm water flow which discharges from the property. Water captured and discharged from the roof is inherently clean and therefore the quality of the storm water discharging from the property will be improved from the existing condition. The final design should demonstrate that the water quality from this site meets Enhanced Protection Criteria as defined by MOE Guidelines.

# Phase 1 and Phase 2 Environmental Site Assessments

Engineering Services have reviewed the Phase 1 and Phase 2 Environmental Site Assessments and have indicated a number of comments that require addressing. The reports identify that contamination exists in the soils above residential standards. Remediation work and the filing of a Record of Site Condition (RSC) will likely be required. Sufficient environmental work has been carried out to demonstrate that it should not be an undue hardship to remediate the site. We require confirmation from the MOE on whether or not an RSC will be required.

# **COMMUNITY CONSULTATION POLICY**

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw. A number of comments/letters have been submitted to date including a petition against the existing proposal for redevelopment of these buildings on Main Street South citing design, obstruction of views, traffic increase and parking as issues to be addressed.

# **BUDGET IMPACT (CURRENT AND FUTURE)**

Application fees have been received, and the Town will receive revenue from assessment fees from any land use decisions made on the subject properties. Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

### HUMAN RESOURCE CONSIDERATION

Not applicable to this report as staffing levels remain the same.

## **Conclusion**

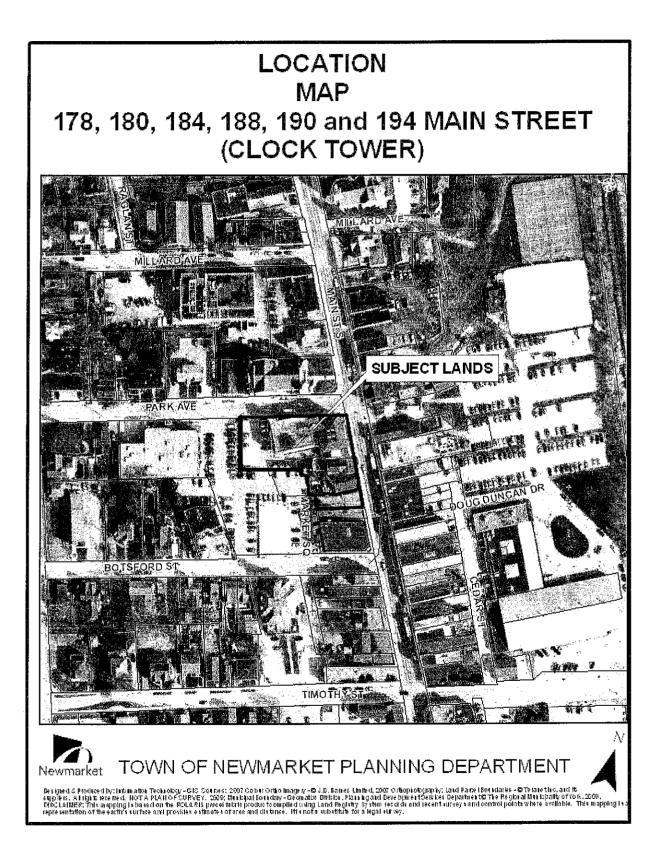
It is appropriate to refer this application for zoning by-law amendment to a statutory public meeting to hear comments/questions from the public.

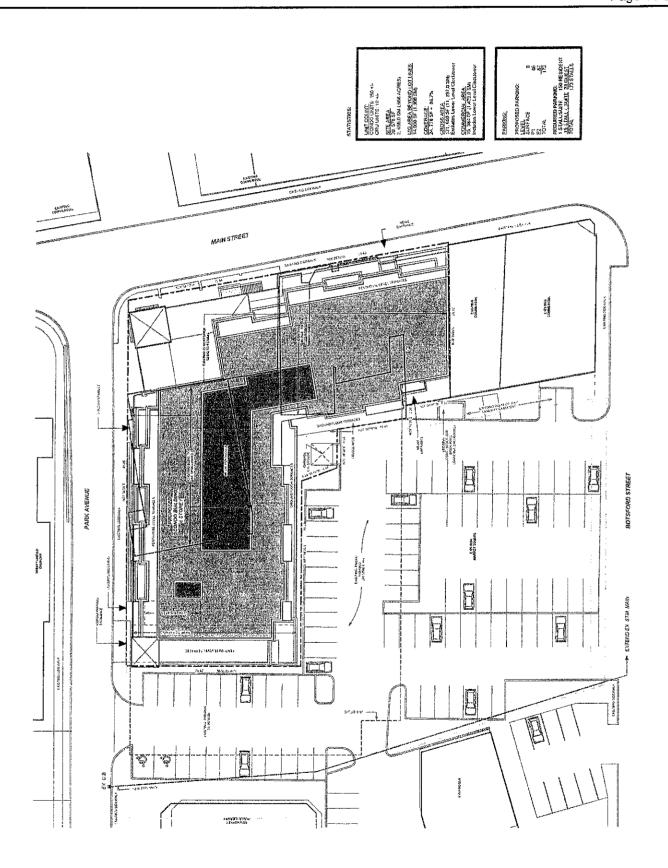
Attachments: Location Map Site Plan Elevations Perspective Plan

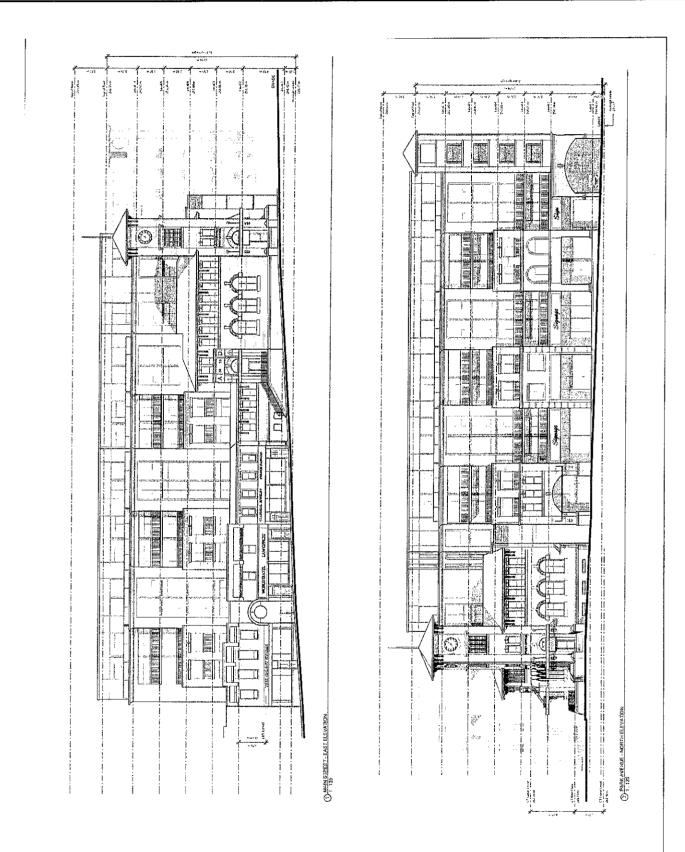
Commissioner of Development and Infrastructure Services

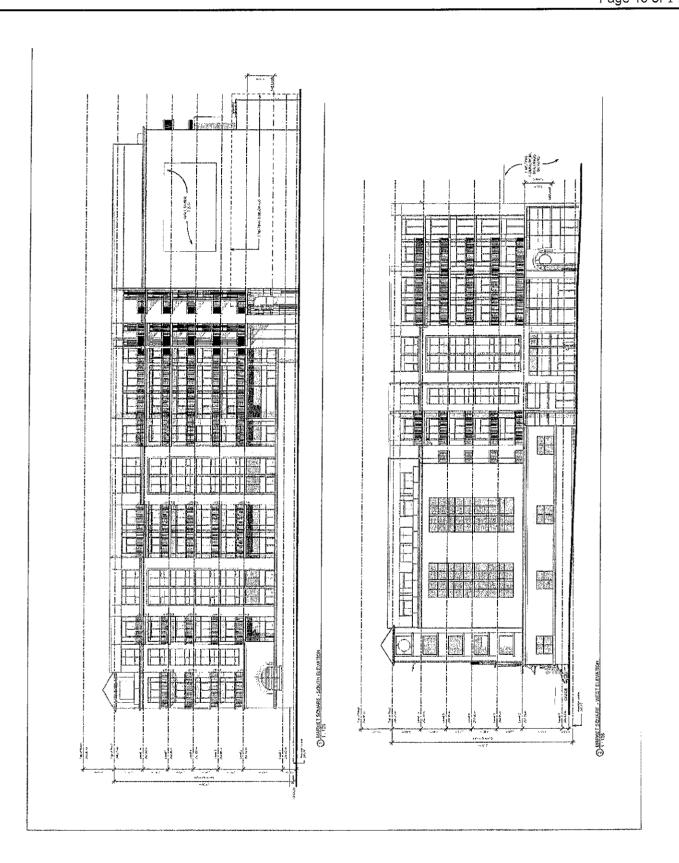
-Community Planning fior Planner

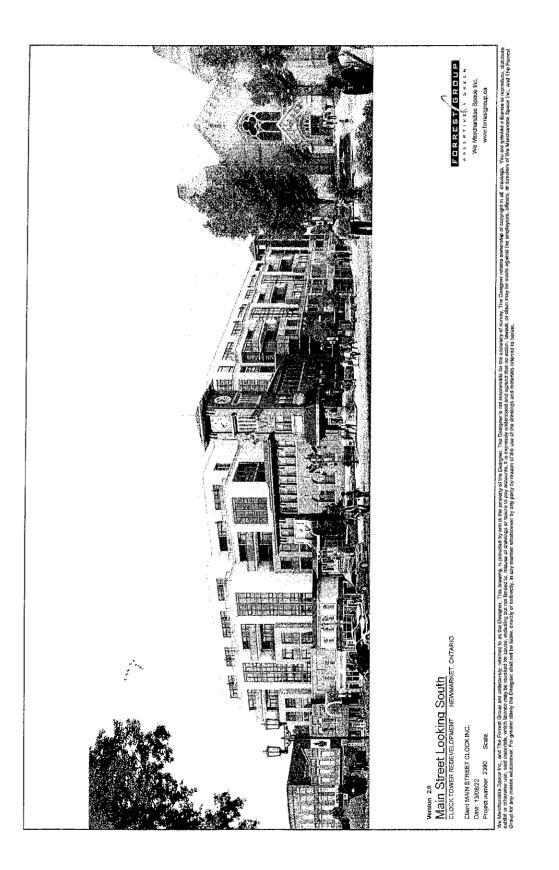
Director of Planning and Building Services













November 14, 2013

## DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-58

- TO: Committee of the Whole
- SUBJECT: Heritage Designation 27 Main Street North Bonseph (Tannery) Ltd. and 2213305 Ontario Inc.

ORIGIN: Committee of the Whole

#### RECOMMENDATIONS

THAT Development & Infrastructure Services /Planning & Building Services Report 2013-58 dated November 14, 2013 regarding 27 Main Street North be received and the following recommendations be adopted:

- 1. THAT Council not proceed with the Heritage designation of the Murray House at 27 Main Street North;
- 2. AND THAT Council withdraw the notice of intention to designate the property at Murray House at 27 Main Street North;
- 3. AND THAT Bonseph (Tannery) Ltd. and 2213305 Ontario Inc., c/o Sterling Silver Development Corporation, Attention: Ken Kirsh, 53 The Links Road, TORONTO ON M2P 1T7 be advised of this decision;
- 4. AND THAT Brian Feherty of Feherty and Associates Ltd., 411 Queen Street, NEWMARKET ON L3Y 2G9 be advised of this decision.

## **Background**

Council at their May 6, 2013 meeting directed staff to advertise the potential relocation of the Murray House at 27 Main Street North and that a Notice of Intent to Designate 27 Main Street North be authorized for the purpose of inventory and documentation. Council also directed that after the documentation is completed, that the notice of intent to designate be withdrawn to allow for demolition.

## **COMMENTS**

With the cooperation of the property owner, staff and Heritage Newmarket have been working diligently over the last five to six months to find a willing party to relocate the Murray House at 27 Main Street North to a new location. Advertisements have been put in Edifice Magazine and on Kijiji for four consecutive months; the house has been posted in the Newmarket Downtown Dish and Newmarket New publications a number of times as well as posting the availability of the House on the Town's website.

Various members of the community that have interest in heritage structures have been contacted including Pickering College, the Quakers and Georgina Pioneer Village as well as local relators to inform them of the availability of the House.

While there has been some interest and staff have toured the house with those who have contacted us, there have been no willing parties to move the structure to date. The owner of the property has indicated a financial incentive provided the dwelling is removed by December 1, 2013, however there has been no take-up on this offer.

The interior and exterior of the property has been photo documented and the interior floor plans have been drafted for historical files.

# **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The recommendations of this report assist the Town in meeting its vision of being: Well Balanced by ensuring Newmarket's rich built history is acknowledged and preserved through designation and/or documentation.

Well Respected by encouraging cooperation and collaboration while being tradition based and forward looking.

## **BUDGET IMPACT**

## **Operating Budget (Current and Future)**

In the event Council decides to designate the structure and the designation is appealed by the Owner, there may be a budgetary consideration for defending a designation bylaw at the Conservation Review Board and/or the Ontario Municipal Board if necessary.

## Capital Budget

The recommendations contained in this report will have no direct impact on the Capital Budget.

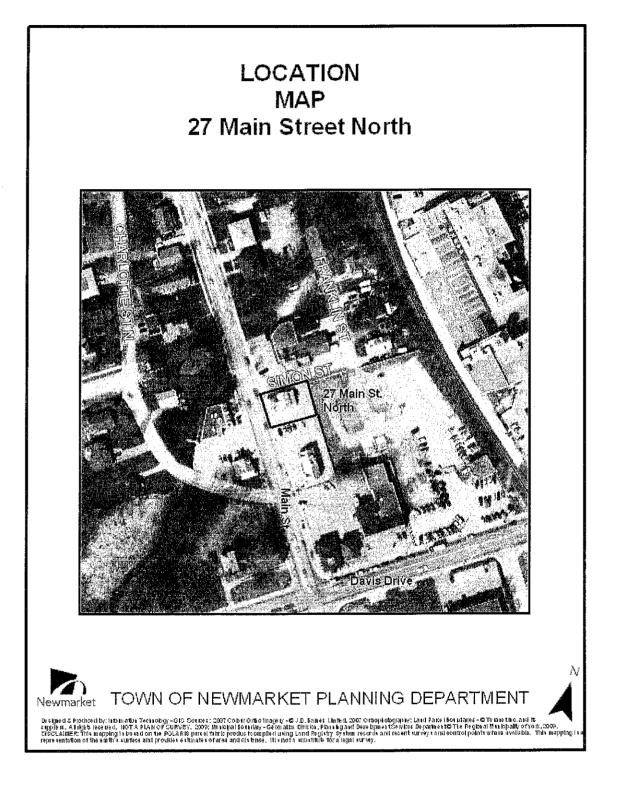
# <u>CONTACT</u>

For more information on this report, contact Dave Ruggle, B.A.A., MCIP, RPP at 905-953-5300, Extension 2454 or via email at druggle@newmarket.ca.

Dave Ruggle, B.A.A. MCIP, RPP Senior Planner – Community Planning

Director of Planning & Building Services

Commissioner, Development & Infrastructure Services





PLANNING AND BUILDING SERVICES

Town of Newmarket 395 Mulock Drive P.O. Box 328, STN Main Newmarket, ON L3Y 4X7 www.newmarket.ca planning@newmarket.ca T: 905.953.5321 F: 905.953.5140

November 14, 2013

# DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-59

TO: Committee of the Whole

SUBJECT:Application for Draft Plan of Subdivision, Draft Plan of Condominium, Official Plan and<br/>Zoning Bylaw Amendment<br/>19TN 2013 002<br/>Part of Lot 89, Concession 1, E.Y.S.,<br/>292145 Ontario Limited<br/>Files: D7, D9, D12 & D14-NP13 16

ORIGIN: Planning and Building Services

#### RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2013-59 dated November 14, 2013 regarding Application for Official Plan Amendment, zoning by-law amendment, Draft Plan of Condominium and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

- 1. THAT the Application for Official Plan Amendment, zoning by-law amendment, Draft Plan of Condominium and Draft Plan of Subdivision, as submitted by292145 Ontario Limited for lands being composed of part of Lot 89, Concession 1 E.Y.S. be referred to a public meeting.
- 2. AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- 3. AND THAT Gary Templeton, Templeton Planning Ltd, 71 Tyler Street, Aurora, ON, L4G 2N1 be notified of this action.

#### **COMMENTS**

## Location and Surrounding Land Uses

The Subject Lands are located at the westerly terminus of Silken Laumann Drive between the Hydro One Corridor and the rail line. (See Location Map attached). The property has an area of 1.495 hectares and is more particularly described as Parts 7, 9 and 13, Plan 65R-33844.

The subject property is currently vacant with the following adjacent land uses.

North: Employment Uses (Industrial)

South: Vacant Open Space/Natural Heritage

East: Hydro Corridor/low density residential

West: Railway Line/Open Space/Natural Heritage

# <u>Proposal</u>

The applicant is proposing to redesignate the subject lands from The Natural Heritage System (Meadows) to Emerging Residential. The application also proposes to rezone the subject lands from the Environmental Protection Open Space (OS-EP) zone to the Residential Townhouse Dwelling 3 (R4-R) zone to permit a common element condominium consisting of 28 at grade townhomes on the subject lands.

## **Preliminary Review**

# **Official Plan Considerations**

The subject property is designated Natural Heritage System on Schedule "A" Land Use plan and shown as Meadow on Schedule B detailing the Natural Heritage System, in the 2006 Official Plan. The applicant is applying to redesignate the subject lands to the Emerging Residential designation to permit ground related townhomes.

The Natural Heritage System, which includes woodlots, meadows, watercourses and wetlands are to be protected and enhanced where possible. The Official Plan states that there are two types of Meadows designated in the plan – Meadow 1 and Meadow 2. Meadow 1 represents lands that are completely within the existing floodplain and Meadow 2 lands are outside of the floodplain. Development and site alteration are not permitted in any Meadow 1, however, Meadow 2 designation would permit limited development and site alteration provided it can be demonstrated through an Environmental Impact Statement that there will be no negative impacts on the feature or no loss of function.

This application would see the removal of the Natural Heritage designation which necessarily needs to be appropriately justified. An Environmental Impact Statement has been submitted as part of the application and concludes that the development, as proposed, will not result in a negative impact on existing natural heritage features and functions.

The submitted report has been peer reviewed by Northsouth Environmental who have a number of comments requiring further information to be submitted to ensure the EIS provides a complete characterization of natural heritage features and functions to permit assessment of environmental impacts to ensure appropriate protection and mitigation strategies and conformity with the policy requirements of the Town, Region and Province.

# Zoning Bylaw Consideration

The Subject Property is currently zoned Environmental Protection, Open Space Zone (OS-EP) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) and Open Space (OS) zones to implement the plan. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

# Roads and Traffic

Further comments are required from Hydro One relating to the proposal to construct a permanent turning circle in the existing Hydro One Corridor with a private access road for the condominium townhouses constructed off the new cul de sac. There are opportunities for Active Transportation linkages through these lands.

Engineering Services have reviewed the letter report from Mark Engineering and agree with the conclusions that no adverse effects on Silken Laumann Drive are expected as a result of the traffic that will be generated from this proposed development and no specific improvements will be required to the existing road network.

## Sanitary Sewage

Sanitary sewage from the proposed development will discharge to the existing sanitary pumping station on Sydor Court. Engineering services have noted some errors with the number of units used in the calculations and the population figures and require the report to be updated. However, they are satisfied that even with the corrected expected flows, adequate capacity will be available in the existing sanitary pumping station.

The applicant is proposing a sanitary sewer across the Hydro One Corridor from the proposed development to the pumping station on Sydor Court. Hydro One comments are required regarding any required easements.

## Water Distribution

It is proposed to supply water to this development by extending the existing watermain on Sydor Court through the Hydro One Corridor and connect to the new proposed cul de sac. Approval from Hydro One will be required. The water distribution system modelling to date had not been to Town standards. The water distribution system is to be remodelled based on Town Standards.

## Storm Drainage

An extended detention wetland pond is proposed to control storm flows from this development and to provide "enhanced" quality control. It is proposed that this facility will ultimately be owned by the condo corporation. Engineering Services have reviewed the storm water design and have a number of technical comments that will have to be addressed in a resubmission.

November 14, 2013

Page 4 of 7

Draft Plan of Condo/Subdivision 19TN 2005 004

# Noise and Vibration analysis

The noise and vibration report is currently out for peer review. Comprehensive comments will be provided in a future report to Committee.

# Servicing Allocation

Servicing allocation has not been granted for this proposed draft plan of subdivision.

# Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant polices are to be applied to each situation.

# **Departmental and Agency Comments**

Engineering Services have provided comments on the submitted reports outlined above.

# Agency Comments

The Town has also received comments from various agencies that will be addressed throughout the planning process.

# **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This application has linkages to the Community Strategic Plan as follows:

<u>Well-equipped and Managed</u>: by providing opportunities for varied housing types, affordability and densities

# COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

# **BUDGET IMPACT**

# **Operating Budget (Current and Future)**

The appropriate planning application fees have been received for Official Plan amendment, zoning bylaw amendment, draft plan of condominium and draft plan of subdivision. The Town will also receive revenue

from development charges and assessment revenue with the development of this subdivision in the event the applications are approved.

# Capital Budget

There is no direct capital budget impact as a result of this report.

# <u>CONTACT</u>

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

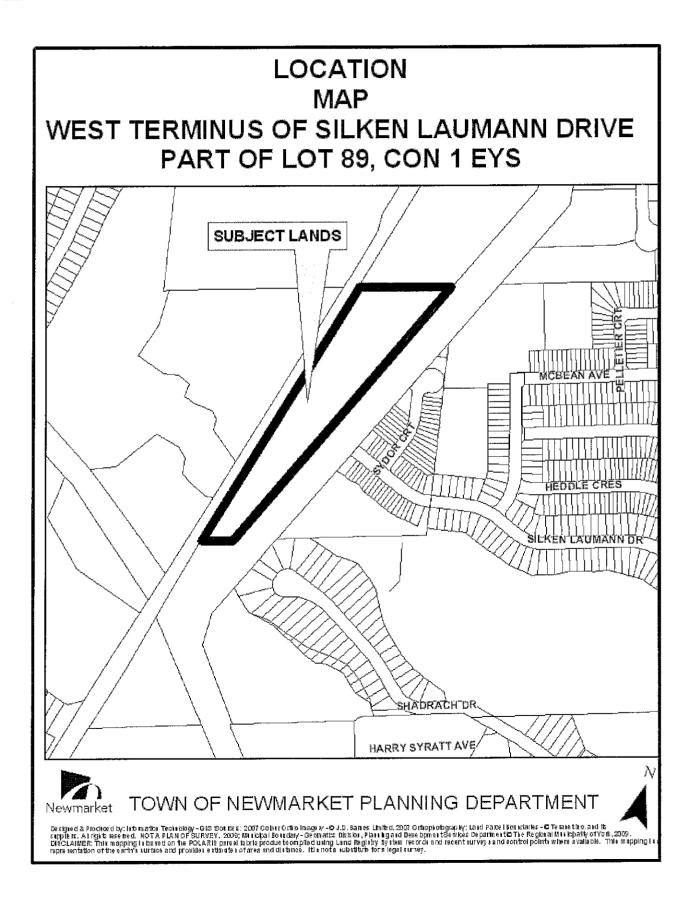
# **Attachments**

- 1 Location Map
- 2 Proposed Draft Plan of Subdivision

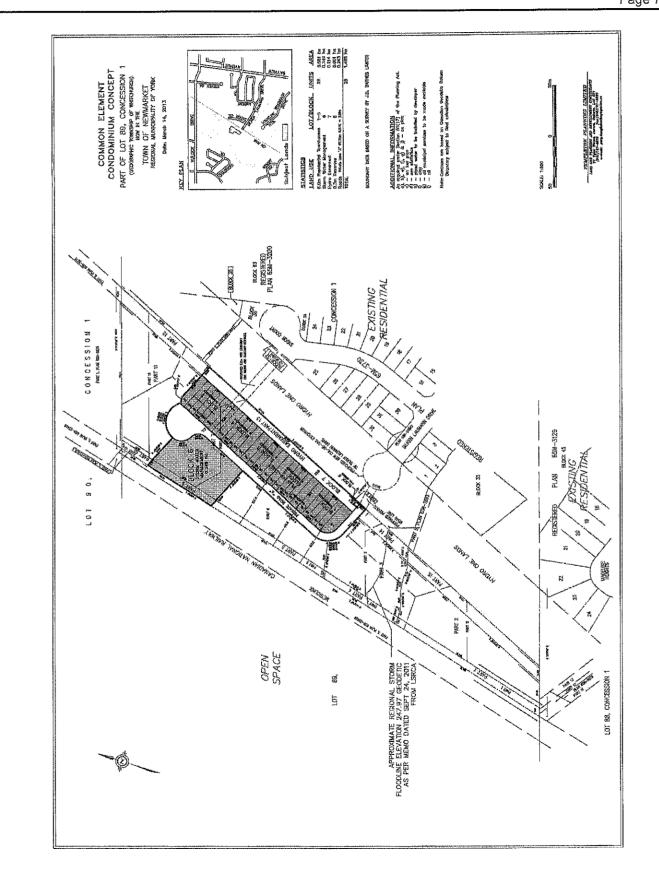
Commissioner Development and Infrastructure Services

Senior Planner Community Planning

Director of Planning and Building Services



Development and Infrastructure Services/Planning and Building Services Report - Planning 2013-59 292145 Ontario Limited – Zoning By-law/Official Plan Amendments/ Draft Plan of Condo/Subdivision 19TN 2005 004 November 14, 2013 Page 7 of 7



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<ol> <li>Committee of the Whole Minutes – February 27, 2012 – Item 18 Corporate Services Report – Legislative Services – By-Laws 2012-05 Sign By-Law</li> </ol>	<ol> <li>Committee of the Whole Minutes – August 30, 2010 – Item 41 Legal and Development Services Report – Joint Legal and Planning 2010-29; Ontario Municipal Board Appeals - Town of Newmarket Comprehensive Zoning By- Law 2010-40</li> </ol>	Item Subject 1. Committee of the Whole Minutes – June 9, 2008 – Item 25 Legal & Development Services Report – Building & By-laws 2008-09 Draft Noise By-law	Newmarket
ive i	29; 3y-		
<ul> <li>THAT Corporate Services Report – Legislative Services – By-laws 2012-05 dated February 9, 2012 regarding the Sign By-law be received and that staff bring the draft Sign By-law back to Committee of the Whole for approval upon completion of the community input process.</li> </ul>	THAT staff seek clarification regarding Ontario Municipal Board hearing timelines and report back.	Recommendation THAT Legal and Development Services Report – Building and By-laws 2008-09 dated June 3, 2008 regarding the Draft Noise By-law be received and referred to a Strategic Directions Workshop.	TOWN OF NEWMARKET Outstanding Matters Reviewed by Operational Leadership Team November 12, 2013
Public Information Centre scheduled for September 25, 2013 Public consultation to continue until October 9, 2013	Date to be determined Matter joint with Glenway matter Pre-hearing December 10, 2013	Date to come back to Committee Deferred by Council on Nov 23/09 to next term of Council will be placed on that O/S list	Ē
Outside Legal Advice received and being reviewed by staff	Timelines to be determined Awaiting prehearing date from OMB	Staff Comments Draft by-law developed Report will address infill development protocol This will follow Sign By- law Date TBD	

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting Bold indicates that the item will be on the upcoming agenda

Last revisions made on November 13, 2013 (Updated and including Committee of the Whole Minutes of November 4, 2013)

<ol> <li>Committee of the Whole Minutes – April 29, 2013 – Item 17 Hospital Parking Charges</li> </ol>	<ul> <li>7. Committee of the Whole Minutes – April 8, 2013 – Item 13</li> <li>Community Services – Recreation and Culture</li> <li>Development and Infrastructure Services – PWS/ES</li> <li>Planning &amp; Building Services Joint Report 2013-05</li> <li>Future use of Fembank Farmhouse</li> </ul>	6. Committee of the Whole Minutes – February 25, 2013 – Item 16 Development and Infrastructure Services Report – Public Works Services 2013-09 Graffiti Removal Services – Update	<ol> <li>Committee of the Whole Minutes – April 30, 2012 – Item 16 Corporate Services Report – Legislative Services 2012-13 – Canadian Coalition Of Municipalities Against Racial Discrimination (CCMARD) Membership</li> </ol>	Update Committee of the Whole Minutes – February 28, 2011 – Item 7 Community Services Report – ES 2011-07 Official Plan – Schedule D – Bicycle Lane Implementation Plan	Item Subject 4. Committee of the Whole Minutes – March 21, 2011 – Item 6 Community Services Report – ES 2011-15 Northwest Newmarket Quadrant – Traffic Monitoring Status
<ul> <li>AND THAT the request to endorse the resolution regarding reduction and capping of parking charges be referred to staff to obtain feedback and input from Southlake Regional Health Centre and report back.</li> </ul>	<ul> <li>THAT staff be authorized to issue a request for proposals with the intent of securing a suitable charitable and/or not for profit organization dedicated to serving Newmarket for use of the Fernbank Farmhouse;</li> <li>AND THAT staff report back recommending a tenant along with operating and capital projections.</li> </ul>	<ul> <li>THAT staff continue to contract Graffiti removal services, in the amount of \$15,000 for 2013;</li> <li>AND THAT staff continue to evaluate the program's impact for 2013 and report back to Council on the effectiveness of the program in one year;</li> </ul>	<ul> <li>AND THAT staff report to Committee of the Whole with a draft Action Plan in support of the Ten Common Commitments in 2013, following input from the Inclusivity Advisory Committee;</li> </ul>	<ul> <li>AND THAT the On-street Bicycle Lane Implementation Plan be brought back to Town Council for review and adoption including a phasing plan in consideration of budgetary requirements and implementation.</li> </ul>	Recommendation <ul> <li>THAT Engineering Services staff bring a report back to</li> <li>Town Council with the results of all studies including mitigation measures if required, and next steps.</li> </ul>
Q1 2014	Q1 2013	Feb 2014	Q1 2014		Date to come back to Committee Q1 2014
CAO to follow-up	Information Report to Follow		Inclusivity Advisory Committee Review before coming back to Committee of the Whole	Part of Active Transportation Plan coordinated by Planning Dept.	Staff Comments Waiting for report from NWQ developer's group Waiting for feedback from developer

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Item Subject	9. Committee of the Whole Minutes – May 21, 2013 – Item 14 Motion – Asset Replacement Fund	10 Committee of the Whole Minutes – June 10, 2013 – Item 12 Borland Court – Repaving Request		11 Committee of the Whole Minutes September 23, 2013 – Item 22 Development & Infrastructure Services Report – Planning & Building Services 2013-40 Cash In Lieu of Parking	ġ	12 Committee of the Whole Minutes – June 10, 2013 – Item 16 Development and Infrastructure Services Report – ES 2013-28 Davis Drive and Yonge Street Streetscape Design and Entrance Features			
Recommendation	<ul> <li>THAT staff I define and r Fund to major tangible capir standards.</li> </ul>	<ul> <li>THAT the deputation by Ms. Sidor regarding a request to repair and repave Borland Court be received;</li> </ul>	<ul> <li>AND THAT the matter of repairing and repaying Borland Court be referred to staff to report back at the earliest opportunity on the feasibility of accelerating this particular road rehabilitation project.</li> </ul>	•	<ul> <li>AND THAT the report be circulated to BILD (Building Industry and Land Development Association) Canada</li> </ul>	June       THAT Recommendations 1 and 2 of Development and Infrastructure Services Report ES 2013-28 dated June 6, 2013 regarding the Davis Drive and Yonge Street Streetscape Plans be referred back to staff and subsequently to members of the Newmarket Economic Development Advisory Committee to obtain comments, including reduced cost and design feedback;	<ul> <li>AND THAT approval be granted to proceed with the conceptual Urban Place Making designs for the following intersections at a combined estimated cost of \$18,650.00 and to report back through the VIVA Task Force:</li> </ul>	<ul> <li>i) Yonge Street and Davis Drive</li> <li>iii) Yonge Street and Eagle Street</li> </ul>	<ul> <li>AND THAT Recommendation 3 ii) (Davis Drive and Main Street) of Development and Infrastructure Services Report ES 2013-28 dated June 6, 2013 regarding the Davis Drive and Yonge Street Streetscape Plans be referred to the Heritage Newmarket Advisory Committee and the Newmarket Historical Society to obtain feedback.</li> </ul>
Date to come back to Committee		t Q1 2014		Q1 2014		Q1 2014			
Staff Comments		Pending Budget Approval							

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16 Committee of the Whole Minutes – August 26, 2013 – Item 17 Motion – Three Way Stop Sign			<ul> <li>15 Committee of the Whole Minutes –</li> <li>November 4, 2013 – Item 12</li> <li>Development &amp; Infrastructure Services</li> <li>Report – ES 2013 – 44</li> <li>Davis Drive – vivaNext Construction</li> <li>Traffic Infiltration Status Report # 2.</li> </ul>	<ul> <li>14 Special Committee of the Whole –August</li> <li>1, 2013 – Item 4</li> <li>Development and Infrastructure Services</li> <li>Report – Commissioner 2013-34</li> <li>Old Town Hall Renovations</li> </ul>	Committee of the Whole Minutes – November 4, 2013 – Item 13 - Development & Infrastructure Services Report – ES 2013-48 – Millard Avenue Parking Review – Forest Glen Road to Lorne Avenue	Item Subject 13 Committee of the Whole Minutes – June 10, 2013 – Item 24 – New Business f)
<ul> <li>THAT the mat immediately inc Parkview Cresce staff for a report.</li> </ul>	<ul> <li>AND THAT a report o policy come forth in feasibility study of a south on Prospect St.</li> </ul>	<ul> <li>AND THAT to and York Rep program resort</li> </ul>	<ul> <li>THAT staff c vivaNext stat construction a Gorham St., Carol St., San</li> </ul>	<ul> <li>AND THAT st diligence asp frame.</li> </ul>	<ul> <li>THAT Develop ES 2013-48 c Avenue Parki Avenue be ref</li> </ul>	<ul> <li>Kecommend</li> <li>THAT staff review the particle on Millard Avenue</li> <li>Forest Glen with a view t</li> <li>and no overnight parking.</li> </ul>
THAT the matter of a three-way stop sign immediately included at the east intersection of Parkview Crescent and Queen Street be referred to staff for a report.	AND THAT a report on the town wide traffic mitigation policy come forth in the first quarter of 2014 with a feasibility study of an advanced green signal going south on Prospect St.	AND THAT town staff in coordination with York Region and York Regional Police; focus speed management program resources on the streets noted in Appendix A;	THAT staff continue to work with York Region and vivaNext staff to address issues that arise from construction and continue to carry out traffic counts for Gorham St., Gladman Ave., Park Ave., Millard Ave., Carol St., Sandford St. and Beman Drive;	AND THAT staff authorize a peer review on the due diligence aspect of the project within a 120 day time frame.	THAT Development & Infrastructure Services Report – ES 2013-48 dated October 15, 2013 regarding Millard Avenue Parking Review – Forest Glen Road to Lorne Avenue be referred back to staff for further review.	Kecommendation THAT staff review the parking restrictions currently in place on Millard Avenue between Lorne Avenue and Forest Glen with a view to implement a three hour limit and no overnight parking.
November 25, 2013			Q2 2014	January 2014		January 2014
						Statt Comments



#### Mike Mayes, Director Financial Services/Treasurer

TOWN OF NEWMARKET 395 Mulock Drive P.O. Box 328 Newmarket, ON L3Y 4X7

www.newmarket.ca mmayes@newmarket.ca 905.953-5300 ext. 2102

November 11, 2013

# JOINT CAO/CORPORATE SERVICES REPORT - FINANCIAL SERVICES-2013-50

- TO: Mayor Tony Van Bynen and Members of Council Committee of the Whole
- SUBJECT: 2013 Audit

ORIGIN: Director, Financial Services/Treasurer

#### RECOMMENDATIONS

THAT Joint CAO/Corporate Services Report-Financial Services – 2013-50 dated November 11, 2013 regarding the 2013 Audit be received and the following recommendations be adopted:

- 1. THAT BDO Canada be appointed as the Town's auditors for 2013;
- 2. AND THAT the BDO audit plan, as attached, be received.

## **COMMENTS**

#### <u>Purpose</u>

The purpose of this report is to appoint BDO as the Town's auditors for the 2013 fiscal period and to accept their proposed audit plan.

#### **Budget Impact**

The audit fees are a fixed amount for 2013 and 2014. The audit plan does not result in any alterations to this pricing. Appointment of BDO as the Town's auditors will have no affect on the budget.

#### <u>Summary</u>

The Audit Committee had a meeting scheduled for October 29. At this meeting they were to recommend the auditors for 2013 and review their audit plan. No formal meeting was held.

In lieu of trying to reschedule the meeting, staff is making the recommendations to Council.

#### **Background**

The terms of reference for the Audit Committee state "The primary function of the Audit Committee is to assist the Council in maintaining the financial integrity of the municipality" and that to do so they are to meet three times a year:

- 1. April/May: To recommend approval of the annual financial statements.
- 2. June: To review the newly issued external auditors' management letter with senior management.
- 3. October/November: To review and approve the scope of the external audit and to follow up with senior management on disposition of the previous year's external auditors' management letter points.

Generally, the first two meetings are combined. At the October/November meeting it has been the general practice to recommend appointment of the auditors for the current year's financial statements.

For the last meeting on October 29, only three of the six members were able to attend and it was deemed that the requirements for quorum had not been met. An informal meeting was held at which no decisions or recommendations could be made. Our auditors, BDO, presented their audit plan at that time.

#### Analysis & Options

It was suggested that rather than reschedule the meeting, the Treasurer could write a report to Council to make the recommendations that the Audit Committee would have done. A draft of this report would be circulated to all members of the Audit Committee for their review. This approach was acceptable to the three members present and to the Chair who was contacted by telephone.

Given that BDO is already contracted for 2013 and that the Committee has no concerns with their work related to the 2012 audit, it would be appropriate to appoint them for 2013.

This appointment would be for the Town's consolidated financial statements, for the Newmarket Public Library, the Newmarket Downtown Business Improvement Area (BIA), the Trust Fund and the audit of the federal gas tax allocation.

The plan that they presented (copy attached) has been presented and reviewed. It does not differ significantly from the plan for 2012 and there are no major new developments.

#### BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

#### CONSULTATION

This approach was discussed and found acceptable by the Chair of the Committee and by the three members present on October 29.

A draft copy of this report has been circulated to all members of the Audit Committee for their review and comments.

#### BUDGET IMPACT

The audit fees for 2013 have already been set. The audit plan does not include any alterations to this pricing. Appointment of BDO Canada as the Town's auditors will have no affect on the budget.

#### CONTACT

For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca

Mike Mayes, CGA Director, Financial Services /Treasurer

Anita Moore, AMCT Commissioner, Corporate Services

Robert N. Shelton Chief Administrative Officer

MM/nh

Attachment

(1) Audit plan



Tel: 905 898 1221 Fax: 905 898 0028 Toll-free: 866 275 8836 www.bdo.ca BDO Canada LLP The Gates of York Plaza 17310 Yonge Street, Unit 2 Newmarket ON L3Y 7R8 Canada

Private & Confidential

October 29, 2013

The Corporation of the Town of Newmarket 395 Mulock Drive PO Box 328, STN Main Newmarket Ontario L3Y 4X7

#### Dear Sir/Madam:

Re: Audit of the Consolidated Financial Statements of The Corporation of the Town of Newmarket For the year ended December 31, 2013

The purpose of this report is to communicate to the Mayor and Council certain aspects of the audit that we believe would be of interest to you. The Mayor and Council can play an important part in the audit planning process and we look forward to discussing our proposed plan with you to determine whether there are additional areas of concern to the Mayor and Council which we should consider.

Our communication with you at the end of our audit will be in the form of a final letter to you. For certain matters, depending on the significance of the items, we may decide to communicate these orally. Note, that Michael Jones will be primarily responsible to communicate this information to you.

Our expectation is that communication will be two-way, and that you communicate with us matters you consider relevant to the audit to the extent you consider relevant and/or changed from past years. In particular, we would like your views and input on the following:

- The appropriate person(s) in the entity's governance structure with whom to communicate.
- The allocation of responsibilities between those charged with governance and management.
- The entity's objectives and strategies, and the related business risks that may result in material misstatements.
- Matters that warrant particular attention during the audit, and any areas where you request additional procedures to be undertaken.
- Significant communications with regulators.

network of independent member firms.

- Other matters that may influence the audit of the financial statements.
- How you oversee the effectiveness of internal control, and the detection or possibility of fraud.
- What actions you take in response to developments in accounting standards, corporate governance practices, exchange listing rules, and related matters.
- How you have responded to previous communications with the auditor.

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Our proposed process for taking action and reporting back on matters that you communicate to us will be:

- Reflected by the audit team in the audit planning and procedures executed; and
- Through our final letter to you or verbally depending on the nature of the items brought to our attention.

For matters that we communicate to you, please report back your process on how you will deal with these items along with your views and input on the particular matters discussed above if different than last year.

This report should not be distributed without our prior consent. We accept no responsibility to a third party who uses this communication.

#### Current Developments in the Profession

There have been significant developments in the area of financial reporting, corporate governance and auditing this year.

#### Accounting Standards

The municipality applies Public Sector Accounting Standards. We have attached our PSAB Update publication which will provide you with details on recent changes to Public Sector Standards. In addition we believe the following publications are very relevant to the municipality and have attached them for your reference:

- A New Government Transfers Standard
- A Guide to Accounting for Financial Instruments in the Public Sector
- Taxation Revenue

#### Independence

At the core of the provision of external audit services is the concept of independence. We are communicating matters that, in our professional judgment, may reasonably be thought to bear on our independence for the forthcoming audit of the municipality.

In determining which relationships to report, we have considered the applicable legislation and relevant rules of professional conduct and related interpretations prescribed by the appropriate provincial institute/ordre covering such matters as the following:

- holding of a financial interest, either directly or indirectly in a client;
- holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client;
- personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
- economic dependence on a client; and

• provision of services in addition to the external audit engagement.

We have prepared the following comments to facilitate our discussion with you regarding independence matters.

We are not aware of any relationships between the municipality and us that, in our professional judgment, may reasonably be thought to bear on our independence to date.

We hereby confirm that we are independent with respect to The Corporation of the Town of Newmarket within the meaning of the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario as of October 29, 2013.

#### **Responsibilities of the Auditor**

It is important for the Mayor and Council to understand the responsibilities that rest with the municipality and its management and those that belong to the auditor. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities outlined below:

- Management is responsible for the preparation of the consolidated financial statements, which includes responsibilities related to internal control, such as designing and maintaining accounting records, selecting and applying accounting policies, safeguarding assets and preventing and detecting fraud and error.
- The auditor's responsibility is to express an opinion on the consolidated financial statements based on an audit thereof.
- An audit is performed to obtain reasonable, but not absolute, assurance as to whether the consolidated financial statements are free of material misstatement and, owing to the inherent limitations of an audit, there is an unavoidable risk that some misstatements of the financial statements will not be detected (particularly intentional misstatements concealed through collusion), even though the audit is properly planned and performed.
- The audit includes:
  - (i) assessing the risks of material misstatement of the financial statements, whether due to fraud or error;
  - (ii) obtaining an understanding of the entity and its environment including internal control in order to plan the audit and to assess the risk that the consolidated financial statements may contain misstatements that, individually or in the aggregate, are material to the financial statements taken as a whole;
  - (iii) examining, on a test basis, evidence supporting the amounts and disclosures in the consolidated financial statements;
  - (iv) assessing the accounting principles used and their application; and
  - (v) assessing the significant estimates made by management.
- When the auditor's risk assessment includes an expectation of the operating effectiveness of controls, sufficient appropriate audit evidence will be obtained through tests of controls to support the assessment, but the scope of the auditor's review of internal control will be insufficient to express an opinion as to the effectiveness or efficiency of the entity's controls.

• The auditor will express an opinion as to whether the consolidated financial statements present fairly in all material respects, in accordance with Canadian public sector accounting standards, the financial position, results of operations and cash flows of the entity.

Further details regarding our responsibilities are outlined in our engagement letter.

#### Audit Approach

We have been engaged to perform the audit of the consolidated financial statements of The Corporation of the Town of Newmarket for the year ended December 31, 2013. We will adopt an audit approach that allows us to issue an audit opinion on the consolidated financial statements of the municipality in the most cost effective manner, while still obtaining the assurance necessary to support our audit opinion.

Under the BDO Audit Approach, we use risk and assurance models to determine the evidence to collect and evaluate whether sufficient appropriate evidence was obtained to be able to draw reasonable conclusions to allow us to form an opinion. This approach focuses on obtaining sufficient appropriate audit evidence to reduce the risk of material misstatement in the financial statements to an appropriately low level. This means that we focus our audit effort in areas that we believe have a higher risk of being materially misstated and do less audit work in areas that are only low risk.

To assess risk accurately, we need to have a clear understanding of the municipality's business and the environment it operates in. Much of our understanding is obtained through discussions with management and their staff. We would appreciate any information that you could provide to us about your business, industry, competitive marketplace, internal controls, oversight of management's processes relating to fraud and error, or anything else that you feel is important to the audit as it may corroborate what we have already learned from management and other sources, or it may be new information to us. We would also appreciate any insights that you could provide to us on what you perceive to be risky in your municipality as that will make our audit more effective and efficient, which will benefit all concerned. In particular we are interested in any knowledge you have regarding actual, suspected or alleged fraud affecting the entity.

The following sections provide more detail on our audit approach for The Corporation of the Town of Newmarket for the current year.

#### Audit Scope

We anticipate the scope of our audit of the consolidated financial statements of The Corporation of the Town of Newmarket for the year ended December 31, 2013 to include the following:

- An audit opinion on the consolidated entity
- Federal Gas Tax Audit
- Newmarket Public Library audit
- Trust Fund Audit
- Main Street District Business Improvement Area audit

#### Overall Audit Strategy

The general audit strategies available to us are a "combined" audit approach or a "substantive" audit approach.

In a combined audit approach, we would obtain our assurance from a combination of tests of controls (compliance procedures) and substantive procedures (such as analysis of data and obtaining direct evidence as to the validity of the items). The combined strategy is more appropriate when there is a large number of transactions and when controls in the municipality are strong. By obtaining some of our assurance from tests of controls, we can reduce the substantive procedures that need to be done. Under a substantive audit approach, all of our audit evidence is obtained through substantive procedures like analysis, confirmation, examination of documentary or electronic evidence, etc.

Based on our knowledge and experience with your municipality and a preliminary review of your internal controls, we anticipate using a combined approach.

We plan to test the operating effectiveness of controls in the following transaction streams:

- Purchases
- Payroll

Assuming these controls are operating effectively, we will reduce our substantive procedures in these transaction streams and related financial statement areas.

#### Financial Statement Areas With Significant Risks

Based on our knowledge of the municipality's business, our past experience, and knowledge gained from management and you, we have identified the following financial statements areas with significant risks of material misstatement.

These risks arise mainly because of the complexity of the accounting rules, the extent of estimation and judgment involved in the valuation of these financial statement areas, and the existence of new accounting pronouncements that affect them. We have also provided a brief summary of how we plan to audit these significant risks.

Financial Statement Areas With Significant Risks	Proposed Audit Procedures			
Employee future benefits	<ul> <li>Actuarial valuation for employee future benefits - audit information given to actuary and actuarial assumptions</li> </ul>			
Expenses to Councillors and Employees	Review expenses for reasonableness			

#### Materiality

Materiality can be defined as follows:

"A misstatement or the aggregate of all misstatements in financial statements is considered to

be material if, in the light of surrounding circumstances, it is probable that the decision of a person who is relying on the financial statements, and who has a reasonable knowledge of business and economic activities (the user), would be changed or influenced by such misstatement or the aggregate of all misstatements. Misstatements in financial statements arise from departures from generally accepted accounting principles and include departures from fact, inappropriate determination of accounting estimates, and omissions of necessary information. Misstatements may arise from error or fraud, or from the consequences of an illegal act."

Performance materiality means the amount or amounts set by the auditor at less than materiality for the financial statements as a whole to reduce to an appropriately low level the probability that the aggregate of uncorrected and undetected misstatements exceeds materiality for the financial statements as a whole.

When establishing the overall audit strategy, the auditor shall determine materiality for the financial statements as a whole. If, in the specific circumstances of the entity, there is one or more particular classes of transactions, account balances or disclosures for which misstatements of lesser amounts than materiality for the financial statements as a whole could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements, the auditor shall also determine the materiality level or levels to be applied to those particular classes of transactions, account balances or disclosures. The auditor shall determine performance materiality for purposes of assessing the risks of material misstatement and determining the nature, timing and extent of further audit procedures.

Although we are required to determine materiality based on our perception of the needs of users, it is extremely difficult to predict with certainty who those users will be or, indeed, the specific needs of known users. Consequently, the materiality decision ultimately becomes a matter for the auditor's professional judgment. We have identified Mayor and Council as the most important users of the municipality's financial statements.

Canadian generally accepted auditing standards require the use of both quantitative and qualitative factors in determining materiality. For the audit of The Corporation of the Town of Newmarket for the year ended December 31, 2013, we have concluded that a materiality level of \$1,000,000, based on 1% of revenue, is appropriate for the purposes of planning the audit.

#### Planning Matters Relating to Group Audits

We will be relying on the work of Collins, Barrow in relation to the financial statements of Newmarket Hydro Holdings Inc. We will need to obtain information to ensure that the audit completed for Newmarket Hydro Holdings Inc. meets Canadian generally accepted auditing standards.

We will be required to communicate with Collins, Barrow, asking that they provide us with written representation in the form of a letter that covers at least the following points:

- The fact that Collins, Barrow is aware that financial information from the financial statements of Newmarket Hydro Holdings Inc. is to be relied upon in the preparation of the consolidated financial statements of The Corporation of the Town of Newmarket, on which BDO Canada LLP, as primary auditors, intends to report.
- The component auditor must also indicate if the accounting policies followed are essentially

consistent with Canadian GAAP, and if not, to explain and quantify the differences.

- The letter will clearly state that Collins, Barrow is aware that BDO Canada LLP intends to rely on the work performed by them in forming our opinion on the municipality's consolidated financial statements.
- We need written representation that Collins, Barrow is independent of the municipality as required under the Canadian rules of independence.

#### Timing of the Audit

We anticipate the following schedule for the conduct of the audit:

Audit Committee planning meeting	• October 29, 2013
Interim audit fieldwork	November 25, 2013
Year-end audit fieldwork	• March 24, 2014
<ul> <li>Review of draft financial statements with the Audit Committee</li> </ul>	• May 31, 2014

#### Communication of Results

At the completion of our audit, just prior to issuing our Independent Auditor's Report, or earlier if considered necessary, we will communicate to you matters arising from the financial statement audit. Our communication will include the following:

- matters required to be communicated to the Mayor and Council under Canadian generally accepted auditing standards including possible fraudulent activities, possible illegal acts, significant weaknesses in internal control and certain related party transactions;
- matters that have a significant effect on the qualitative aspects of accounting principles used in the municipality's financial reporting;
- whether or not there were significant difficulties encountered during the audit;
- significant matters discussed, or those subject to correspondence with management;
- other matters arising from the audit that, in our professional judgment, are important and relevant to the Mayor and Council; and
- matters previously agreed with you to be communicated to the Mayor and Council.

#### Conclusion

We hope that this letter will provide you with an update on the current developments within the accounting profession, as well as clarify our independence, responsibility and audit approach.

We look forward to discussing these issues with you. Please do not hesitate to contact us about any of the above items or other matters of concern to the Mayor and Council.

Yours truly,

Michael Jones

Michael Jones Partner BDO Canada LLP Chartered Accountants, Licensed Public Accountants

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Planning and Building Services

TOWN OF NEWMARKET 395 Mulock Drive P.O. Box 328, STN Main Newmarket, ON L3Y 4X7 F: 905,953,5140

www.newmarket.ca planning@newmarket.ca T: 905.953.5321

October 15, 2013

# DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES **REPORT 2013-47**

- TO: Committee of the Whole
- SUBJECT: Application for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Approval Part of: Lots 60, 61, 64, 65, 66, 67 Block 92, RP 65M-2212 and all of Block 91. RP 65M-22-12; Block 155, RP 65M-2205; Blocks 144. RP 65M-2261; Block 89, RP 65M-2263; and Block 73, RP 65M-2284

Planning Files: Official Plan Amendment – D9NP1210; Zoning By-Law Amendment – D14NP1210; and Draft Plan of Subdivision – D12NP1210 Marianneville Developments Limited (Glenway)

ORIGIN: Appeal to the Ontario Municipal Board of Application Submitted to the Town of Newmarket Planning and Building Services

## RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2013- 47 dated October 15, 2013 regarding application for Official Plan Amendment - D9NP1210; Zoning By-Law Amendment - D14NP1210; and Draft Plan of Subdivision - D12NP1210 be received and the following recommendations be adopted:

- 1. That the applications for Official Plan Amendment D9NP1210, Zoning By-law Amendment-D14NP1210 and Draft Plan of Subdivision – D12NP1210 submitted on April 20, 2012 be denied due to substantial unresolved technical issues regarding the proposed form of development as set out within this report.
- 2. That the Without Prejudice Offer in the form as submitted on August 23, 2013 not be accepted.
- 3. And That Council direct staff and legal counsel to continue to work with the proponent, commenting agencies and the residents toward the resolution of issues in advance of the Ontario Municipal Board hearing scheduled for December 10, 2013 and an eight week Hearing commencing March 3, 2014 with a view of resolving such issues. Any changes to the issues will be reported to Council, parties and participants.







#### BACKGROUND

#### <u>Location</u>

The subject lands are located in the area south of Davis Drive West, generally between Yonge Street to the east and Bathurst Street to the west. The bulk of development is proposed on those lands, east of the Hydro One corridor, which bisect the grounds of the former Glenway Country Club. Legally, the subject lands are described as Part of Lots 60, 61, 64, 65, 66, 67, Block 92, RP 65M-2212 and all of Block 91, RP 65M-22-12; Block 155, RP 65M-2205; Block 144, RP 65M-2261; Block 89, RP 65M-2263; and Block 73, RP 65M-2284.

#### <u>Summary</u>

This application proposes the development of a new community on lands that are part of the former Glenway Country Club. The Town of Newmarket received a Planning Application form signed and dated April 20, 2012 for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit infill residential and commercial development.

The application proposes amending the existing land use designation in the Town of Newmarket Official Plan as 'Parks and Open Space' to the following land use designations:

- Stable Residential
- Emerging Residential
- Urban Centre, and
- Commercial

The application proposes amending the existing zone designations in the Town of Newmarket Zoning Bylaw 2010-40 as follows:

- From 'OS-2' (Open Space Two) to R1-D (Residential One)
- From 'OS-2' (Open Space Two) to R1-CP (Residential One)
- From 'OS-2' (Open Space Two) to R4-CP (Residential Four)
- From 'OS-2-32' (Open Space Two Exception 32) to R5-\_\_\_ (Residential Five & Site Specific Exception to permit a high density residential block)
- From 'OS-2' (Open Space Two) to CR2-\_\_\_ (Retail Commercial & Site Specific Exception to permit a motor vehicle service station)

The structure of this report first address the application as originally submitted on April 20, 2012. This section of the report provides details of the appealed applications, a review of applicable policy and a summary of the technical reports, issues, public comments received as background information for the statuary public meeting and a recommendation regarding those applications.

The next section of the report addresses the Without Prejudice Offer received August 23, 2013. A copy of this offer is attached as Appendix 1. This Offer was submitted after the last prehearing in an attempt to resolve the concerns raised by the Town in the review of the applications. This offer was provided on the basis that it could be circulated to agencies, can be circulated to all parties including the Residents a Association, and can be dealt within a public session of Town Council. If this Offer does not result in a





settlement, the appellants have noted that they will seek Ontario Municipal Board approval of the applications as filed and appealed.

For this reason, this report must address and provide recommendations for both the appealed application and the Without Prejudice Offer.

#### Appeal of Applications to the Ontario Municipal Board

On April 15, 2013 an appeal of the Official Plan Amendment, Zoning By-law Amendment and the Draft Plan of Subdivision to the Ontario Municipal Board was received. The basis of the appeal, as set out in the submission, is the failure of the Town of Newmarket to make a decision on the applications in accordance with Sections 22(7), 34(11) and 51(34) of the *Planning Act*.

At the Ontario Municipal Board Prehearing Conference held August 7, 2013 the Board scheduled a second Prehearing for December 10, 2013 and an eight-week Hearing commencing March 3, 2014.

#### APPEALED APPLICATION (April 20, 2012)

#### <u>Proposal</u>

The original application proposals called for the redevelopment of the eastern (9 holes) portion of the former Glenway Country Club, the portion of which is generally located east of the Hydro One corridor. The proposed development consists of residential infill, ranging in density from single detached dwellings to apartment buildings. A commercial component is proposed, fronting Davis Drive, as well as a park block located internal to the overall community.

Approximately 33 hectares of land is part of the draft plan of subdivision proposing 730 dwelling units. Below, the proposal is described by building type and block.

Single Detached Dwellings:

A total of 165 single-detached dwellings are proposed to be located on 15.5 hectares. 62 dwellings are to be located east of the Hydro One corridor and west of the existing single detached dwellings and apartment dwellings on Crossland Gate; 56 single-detached dwellings between Fairway Garden and Bowser Crescent; and 40 single-detached dwellings east of Eagle Street West, adjacent to existing single detached dwellings on Brammar Street.

Single Detached Condominiums:

A total of 54 single detached condominium units are proposed on approximately 7.9 hectares located west of Eagle Street West, adjacent to existing single detached dwellings on Bowser Crescent and Crossland Gate.

Condominium Townhomes:

A total of 219 condominium townhouse units are proposed on approximately 7.6 hectares fronting Davis Drive West at the Crossland Gate entrance.



Apartment Building:

Two 15-storey apartment buildings with 292 units are proposed on approximately 2.33 hectares adjacent to the existing GO Transit Bus Terminal on Davis Drive West.

Approximately 0.65 hectares fronting Davis Drive West, east of the existing Crossland Gate entrance is proposed for commercial purposes.

Parkland is proposed between the Hydro One corridor and Kirby Crescent adjacent to the multi-purpose trail system corridor linking the community to the north as well as future trails identified in the Town's Conceptual Trail System. Linkages to the south and to the Ray Twinney Recreational Complex will be maintained and enhanced.

Approximately 1.76 km of new public roads and 2.71 km of new private roads are proposed. The new public roads connect with arterial roads where possible and provide new internal road networks.

The five existing ponds on the subject lands are proposed to be used for stormwater management facilities.

A location map and the proposed Draft Plan of Subdivision are attached to this report as Appendix 2 and Appendix 3 respectively.

#### Application Submissions

The following documents have been submitted in support of the application:

- Planning Application Form
- Surveys & Plan of Subdivision
- Planning Justification Report
- Soil Investigation
- Noise Feasibility Study
- Tree Inventory Report
- Archeological Assessment Stage 1
- Shadow Impacts Report
- Parks & Recreation Assessment
- Lighting Impact Study
- Functional Servicing Report
- Traffic Impact Report
- Environmental Site Assessment Phase 1
- Environmental Site Assessment Phase 2

#### Discussion: Policy Framework

#### Provincial Policy Statement

The Provincial Policy Statement 2005 ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the



development and use of land. The overarching goal of the PPS is to enhance the quality of life for the citizens of Ontario. The key objectives of the PPS include building strong communities, wise use and management of resources, and protecting public health and safety. Regional and municipal plans are required to be consistent with the PPS.

A number of PPS provisions must be considered for these applications including: Section 1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns; Section 1.4 Housing; Section 1.6 Infrastructure and Public Service Facilities; Section 1.8 Energy and Air Quality.

The proposed development is the intensification of existing private open space for residential and commercial purposes. The PPS, Sections 1.1.2, 1.1.3.3 state that sufficient lands shall be made available through intensification and redevelopment and if necessary designated growth areas to accommodate an appropriate range and mix of land uses to meet projected needs to a horizon of up to 20 years.

Section 1.1.3.3 states, "Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

The supporting documents regarding existing and planned infrastructure and public service facilities are not adequate or appropriate. As set out later in this report, there are significant outstanding concerns regarding the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs. The Town has provided to the appellant a detailed list of the outstanding issues. A copy is attached as Appendix 4. Meetings have been held with the appellant and their consultants to discuss resolution of the concerns. The response from the appellant has consistently been that they will consider only a limited range of options that do not impact the lotting. No resolution has been achieved at this time regarding these outstanding concerns. Until these matters are resolved, the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision are not consistent with the Provincial Policy Statement.

#### Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe 2006 ("Growth Plan") provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Directions for where and how to grow, the provision of infrastructure to support growth and protect natural systems as well as cultivate a culture of conservation are matters of provincial importance and are identified in this plan. Regional and municipal plans are required to conform with the Growth Plan.

A number of Growth Plan provisions must be considered, including Section 2.2.2 Managing Growth; Section 2.2.3 General Intensification; Section 2.2.4 Urban Growth Centres; 2.2.5 Major Transit Station Areas and Intensification Corridors. The Growth Plan stipulates that a minimum of 40% of all residential development must be within the built up area and municipalities must recognize Urban Growth Centers as areas of focused intensification.



The Growth Plan conceptually locates an Urban Growth Centre in Newmarket Centre, the boundaries of which are delineated in the local Official Plan. The Growth Plan sets a target of 200 residents and jobs per hectare for the Newmarket Urban Growth Centre.

Intensification areas, such as urban growth centres, intensification corridors and major transit station areas will become the focus of cumulative growth for both population and employment. The Town of Newmarket is preparing a secondary plan for the Urban Centre, as discussed later in this report, and will be implemented into the local Official Plan, by way of an amendment, once finalized.

The 2006 Newmarket Official Plan (approved in 2008) incorporated many of the Growth Plan policies.

The Town of Newmarket 2006 Official Plan Conformity exercise occurred at a time when a number of new Provincial Policy initiatives were being introduced. With each new legislative change, staff was required to review and evaluate the changes to ensure that the draft Official Plan continued to be consistent with the new planning directions. Town of Newmarket Planning Report 2006-46 outlines major themes that required adjustments based on these initiatives. Two of these major themes are discussed below.

#### 1) Emerging Residential Areas

The definition of permitted uses for the emerging residential designation was one of the key changes from the 1996 Official Plan. It introduced a change away from low, medium and high density residential designations to a Plan that distinguishes between established, or stable residential areas and vacant or emerging residential areas.

The following extract from Planning Report 2006-46 sets out the principles for emerging residential areas.

"The Plan provides that the Emerging Residential areas may develop at low densities similar to the majority of the Stable Residential areas while also allowing for a range of innovative and affordable housing types, zoning standards and subdivision designs, where appropriate and supportable through an acceptable planning justification report. While the focus of future intensification is directed by this Plan primarily to the three contiguous urban centres (Yonge Street Regional Centre, Healthcare Regional Centre, and Historic Downtown Centre), limited intensification is permitted in both the Stable and Emerging Residential areas in a form and location that will maintain the residential character and amenities.

To foster an appropriate transition between a Stable Residential area and an Emerging Residential area that may include alternative built forms, a new policy has been added to the Emerging Residential policies of the Official Plan (Section 3.3.2) as follows:

"In order to ensure compatibility with the existing housing stock, new housing directly abutting existing homes in Stable Residential Areas should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights, and minimum setbacks."

This policy will still allow Emerging Residential areas to develop with a range of innovative and affordable housing types, zoning standards and subdivision designs where appropriate, while ensuring that those houses to be constructed immediately adjacent to the existing houses will be of the same form and similar density.



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It is essential that the Emerging Residential policies allow for alternative housing forms and densities in order to be consistent with the Provincial Policy Statement (PPS). The relevant sections of the PPS as they relate to Newmarket are found in the "Building Strong Communities" policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The "Settlement Areas" and "Housing" policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to meet authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

With the inclusion of the new policy identified above, staff is satisfied that in concert with the Urban Centres, the PPS requirement to provide for an appropriate range of housing type, density, and affordability can be achieved, while at the same time maintaining the character of adjacent neighbourhoods.

#### 2) Intensification

The Official Plan policies direct intensification throughout the settlement area, subject to these requirements. Virtually all of Newmarket can be considered a settlement area. The Official Plan also provides that various forms of housing are permitted and contains specific policies regarding the interface of new development and existing development that "specifically like lots being adjacent to like lots". The question of compatibility at the lot line between the new and existing development is the primary consideration under this policy context.

The Plan envisions that the Town's urban structure will transition from predominately greenfield development to a community that will soon be built-out to its boundaries. This necessitated policies that provided a direction for the way the municipality will intensify and accommodate projected growth. The Plan established three continuous Urban Centres, which are intended to accommodate the majority of the future intensification requirements.

The Official Plan seeks a density target of 2.5 FSI or greater in defined nodes in the Yonge Street Regional Centre. Those nodes are to be further defined through a Secondary Plan process as set out below.

A specific number or percentage for intensification within the Urban Growth Centres is not set out in the Official Plan or the draft Secondary Plan. Other than some of the lands identified as Emerging Residential on Schedule A of the Newmarket Official Plan, all development in Newmarket can be considered intensification, provided that it maintains the residential character and amenities. Limited intensification is permitted within the remainder of the residential areas within the Plan. At that time, it was envisioned that with the redevelopment of the lands within the Urban Growth Centre and the remaining lands for greenfield development, that sufficient lands were available to meet the growth target identified by the Region.

The proposed application is located in part of the 'built up area' and therefore identified as an area for general intensification.



The purpose of the Town of Newmarket Urban Centres Directions Report is to present a roadmap for the development of the Newmarket Urban Centres Secondary Plan. The report outlines guiding principles for future development in the Urban Centres that will form the basis of the Secondary Plan. The Report illustrates recommended development concepts and sets out the key policy directions for the Urban Centres.

While the subject lands are not located within the Secondary Plan Study Area, the applicant has made a request to the Town of Newmarket that lands abutting the GO Bus Terminal be considered for inclusion in the Secondary Plan Area and be designated as Urban Centres in order to facilitate higher density development as part of this application. This request was considered by the Town of Newmarket and a letter was provided on July 15, 2012 advising that "since your application is progressing through a site specific plan amendment process in advance of the Draft Secondary Plan, it is inappropriate to include the lands within the Secondary Plan Area as requested." At this time, this portion of the site will not be included within the work on the Secondary plan and will not be included within the Urban Centre study process.

The Recommended Development Concept within the Urban Centres Report identifies a framework for future growth and development and provides for the interconnections between the existing neighbourhoods and the new Urban Centres' neighbourhood. The creation of a fine grid of streets and block network will further articulate the urban environment to create transportation movement patterns and develop the urban fabric.

The location of the GO Bus Terminal at the north eastern end of the subject lands needs to be considered in the context of the review of the development applications especially regarding the transit policies within the Newmarket Directions Report. The Growth Plan recognizes Major Transit Station Areas as areas that will be planned to achieve increased residential and employment densities that support and ensure the viability of existing and planned transit service levels. Major Transit Station Areas are defined in the Growth Plan as "the area including and around any existing or planned higher order transit station ... or the area including and around a major bus depot in an urban core." The inclusion of the GO Bus Terminal in the Urban Centres Designation will consequently have implications for the surrounding area and the scale of development surrounding the station. The Draft Report does not address issues of transition from higher order transit stations to adjacent residential neighbourhoods other than to provide direction regarding the provision of pedestrian linkages. Section 6.3.4 outlines transit policies within the Urban Centres study area, and GO Transit Stations are highlighted as being significant mobility hubs.

The Urban Centre currently has no existing or planned school sites. Several recreational facilities are also located in the vicinity of the Urban Centre, most notable and relevant to this application is the Ray Twinney Recreational Complex. A number of new community facilities including schools will be required within the Urban Centre. Additional studies including a recreation master plan will be undertaken as part of future studies of this area.

The directions report for the Urban Centres Secondary Plan indicates that the long-term vision for the Newmarket Urban Centres is to accommodate 21,000 residents and 20,000 jobs by 2031. The pace of development within the Urban Centre will be coordinated with the provision of infrastructure including such matters as transit, roads, servicing, and community facilities.

#### York Region Official Plan 2010

The York Regional Official Plan ("YROP") guides economic, environmental and community building (decisions to manage growth. The policies in the YROP help to co-ordinate and set the stage for more



detailed planning by local municipalities. The plan is built on the pillars of creating a sustainable region, through a strong natural environment, economic vitality, healthy complete communities, attention to agriculture and rural areas, and servicing the population.

The York Region Official Plan was approved by the Ministry of Municipal Affairs and Housing on September 7, 2010 and subsequently appealed to the Ontario Municipal Board ("OMB"). Since that time, the York Region Official Plan 2010 has been partially approved by the OMB and those corresponding sections have been repealed in the York Region Official Plan 1994 through OMB Orders. Although the entire Plan is not yet in full force and effect, the Regional Structure Plan (Map 1) is approved and reflects the earlier 1994 Plan, designating the subject lands "Urban Area". The YROP requires that the population and employment forecasts in Table 1 be used as a basis for planning of new development. As part of consideration of this application, determination should be made as to how the subject proposal aligns with the Town's forecasts and planning to the year 2031 considering matters such as growth within centres and corridors, infill and intensification, provision of water and wastewater services, complete communities and phasing and sequencing of growth within the Town. The minimum intensification target for Newmarket between 2006 and 2031 is 5,260 units. These lands are within the built boundary and the policies of Section 5.3 of YROP apply to this application. These issues are addressed in a number of sections in this report.

A 'Regional Centre' is identified east of the subject lands, surrounding the intersection of Davis Drive and Yonge Street. Yonge Street is identified as a 'Regional Corridor' the entire length of its passage through the Town of Newmarket. The YROP guides intensification to the Regional Centres followed by the Regional Corridors, and locally identified strategic locations. Regional Centres are generally identified in the YROP and are conceptually located on mapping.

The subject lands are not within the Yonge-Davis Regional Centre (which is delineated at the local level in the Newmarket Official Plan). The stretch of Davis Drive abutting the subject lands is not identified as a Regional Corridor according to Map 1 of the YROP.

The Town of Newmarket has through the 2006 Official Plan addressed the accommodation of intensification to meet population and employment projections. The planned development within the Urban Growth Centre, as well as other development areas would address these requirements for Newmarket. As set out within Section 14.2.1, when the Town is fully built out, the population is planned to be 98,000 people, Of the 13,000 additional population, approximately 8,000 are planned to be accommodated through intensification in the Urban Growth Centres. As the Glenway lands were not considered as available for development at that time, they were not considered by the Town in establishing these targets.

Although the subject lands are not needed to satisfy planned intensification targets, the Urban Growth Centres still require additional planning and a number of criteria prior to proceeding to development. The actual achievement of the growth projections for the Urban Growth Centres will depend as well on the timing of development and market demand within that area for higher density units. The development of the Glenway lands will assist in supporting the Town in meeting these growth objectives in the interim.

Allocation of water and wastewater servicing to the Glenway lands, if approved for development, would be in accordance with current town policy and practices.

#### Town of Newmarket Official Plan

The Official Plan contains goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality. The



Official Plan sets the basis for land use in Newmarket for the 20-year period post 2006. The Official Plan ( establishes the criteria for evaluating proposals for change and growth based on a "policy-led" approach that focuses on long-term objectives rather than short-term impacts.

The subject lands are designated as 'Parks & Open Space' and are adjacent to a 'Stable Residential' designation according to Schedule A of the Newmarket Official Plan. As noted in Section 1.3.3., " In a sustainable community, a stable neighborhood is not necessarily a static neighborhood but is one where existing lifestyles can be maintained while sustaining the opportunities for new housing and employment" "Growth should occur in a way that not only increases the quality of life for existing residents but also provides a functional environment for the future by protecting and enhancing natural features and systems, minimizing waste and pollution and increasing efficiency and equality".

The Official Plan contains a number of policies that need to be considered in the evaluation of these applications.

#### Proposed Land Use Designations

The lands are currently designated as Parks and Open Space. The objective of the Parks and Open Space System designation is to encourage a network of parks, recreational facilities and open spaces that provide a wide range of recreational and leisure opportunities to meet the needs of existing and future residents. Where the Parks and Open Space designation is applied to privately owned lands, it shall not imply that the lands are free and open to the general public.

The applications have requested a re-designation of these lands to the following:

The application is proposing to change a small portion of the lands to this designation.\_The existing residential area is designated as Stable Residential Area. The objective of the Stable Residential Areas designation is to sustain and enhance the character and identity of existing residential communities. This designation also encourages the preservation of existing housing stock, supplemented by various forms of residential intensification such as infilling. Permitted uses are to reflect those built forms that are existing in the community, primarily single-detached and semi-detached dwellings. The terms infill and intensification are not defined in the official plan. The plan states that in the absence of a definition, the definition found within the PPS shall apply.

The Official Plan reinforces the commitment to protect and strengthen existing neighbourhoods. It establishes that any development in Stable Residential Areas must respect the existing character of the area. The Official Plan provides a framework for the Town to grow, directing the majority of growth to the Urban Centres. Limited intensification is permitted in Stable Residential Areas in form and location that will maintain residential character and amenities. Limited convenience commercial and institutional uses that are compatible with residential neighbourhood are permitted in residential areas.

The forms of intensification permitted within Stable Residential Areas are accessory units and infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole. Standards for infill lots are established in the Zoning By-law. The creation of new lots for the purposes of infill shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The majority of the lands are proposed to be designated as Emerging Residential Area. The objective of the Emerging Residential Areas designation is to provide for a range of residential accommodation by



housing type, tenure, size, location and price ranges to help satisfy the Town's housing needs. It also encourages a range of innovative and affordable housing types, zone standards and subdivision designs.

The Official Plan in Section 12.4 sets out the policies to assess compatibility. This section states: Development will be compatible with the existing built form by relating to and enhancing the area's existing physical character, qualities and scale. When reviewing development proposals, Council will consider the appropriateness of the development for the area based on how buildings respond to: the existing character of the area; the nature of fenestration and sun reflection impacts; the nature of shadow impacts; the existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings.

Building heights immediately adjacent to a Stable Residential Area should provide an appropriate transition and achieve suitable visual angular planes. Where a greater building height is proposed, setbacks may be required in order to achieve appropriate height, massing and architectural quality for the location.

Section 12.5 sets out that buffering will be required to achieve compatibility where development is adjacent to a Stable or Emerging Residential Area. Urban Centre use, Commercial use, stormwater management facilities, and areas of heavy pedestrian or vehicular traffic are land use areas that will require buffering to mitigate adverse or conflicting elements. Buffering is implemented through provisions in the Zoning Bylaw. No specific provisions have been proposed in this application to address the requirements in the Official Plan regarding buffering.

A 0.65 hectare block along Davis Drive is proposed for commercial uses. The objective of the Commercial designation is to provide locations for commercial uses that do not usually locate within Urban Centres and offer a broad range of commercial opportunities for residents. Permitted uses are land extensive retail and service commercial uses, including retail warehouses, vehicle sales and service centres, business and professional offices and places of worship. A commercial block in this location is appropriate however the specific details of the development of these lands need to be addressed through the zoning provisions to ensure that the site can function properly

The plan of subdivision proposes the majority of single detached lots on new public roads. These lots are proposed to be similar lot areas and frontages to the existing residential lots. These lots respect the existing character of the area and are consistent with the neighbourhood.

Within blocks 169 and 170, single detached residences are proposed on a private condominium road. Although details of the development of these blocks are not provided on the plan of subdivision, information as to the potential development of these blocks is provided within the supporting reports for the applications. The size and nature of these lots as well as the development pattern are significantly different from the lot area and frontage of the existing lots and they introduce a development pattern that is quite different than the existing character of the area. The use of private roads to link public roads raises a number of concerns regarding the functioning of these roads especially the introduction of additional through traffic onto these private roads. Overall, the development pattern set forward for these blocks, especially in the context of their location immediately adjacent to and surrounded by lands designated as Stable Residential Areas is not supported by the Official Plan policies.

A portion of land is proposed to be designated as Urban Centre. The objective of the Urban Centres designation is to promote and maintain the Town as a major government, administrative, health, commercial and regional service centre. The Yonge-Davis Urban Growth Centre is envisioned as a meeting place, location for cultural facilities, public institutions, major services, and transit hubs. The



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boundaries of the Urban Centre are defined within the Official Plan. These lands are not included within the study area nor have Town staff supported including these lands within the study at this time.

The proposed development on Block 171 with a high density residential building of 15 storeys does not meet the requirements for compatibility as set out in Section 12.4 of the Plan. The transition of height from 2 storeys within the Stable Residential Area to 15 storeys is not appropriate. Although there may be a justification for a higher density residential use due to the proximity to the GO station, the proposed height and potential massing of this building does not respond appropriately to the existing character of the area. In addition, no details regarding the proposed building have been provided to identify whether there is an impact regarding visual angular plans or the need for zoning by-law provisions requiring stepbacks within the building design as set out within this section the Official Plan.

The proposed medium density uses within Block 166 and 167 would provide an appropriate transition to the Stable Residential Area and represent a type of built form that would assist in providing a range of housing types within the community. Additional information has been requested regarding potential zoning provisions to regulate the layout of the townhouse blocks to ensure that the development provides an appropriate streetscape along Davis Drive. This information is still outstanding.

#### Parkland Dedication Requirements

Section 8.2.2 sets out the parkland dedication requirements within the Official Plan. This section states: Open Space lands may be provided by the conveyance in accordance with the provisions of the Planning Act and through other actions by public authorities. All lands conveyed as part of parkland dedication must be suitable for public recreation uses and acceptable to the Town in accordance with the Planning Act.

The appealed submission proposes one new park facility located to the west of the hydro corridor. Town staff advised that the proposed park is not acceptable to the Town and recommended that two small private park facilities be developed as a component of Blocks 166 and 167. Parks and green spaces should be connected to new and existing housing through a series of sidewalks and trails. Recreation and Culture Departments have advised that they prefer that large segments of parkland to be dedicated to the municipality be located in close proximity to existing stormwater management ponds (Blocks 169 and 170) and that a minimum of 5% of the land for parks purposes be provided in accordance with the *Planning Act*. Any proposed parkland should consider the new Parks Policy Manual.

Monteith Brown Planning Consultants at the request of the Town provided an evaluation of the proposed parkland dedication. With respect to the park's location adjacent to the hydro corridor, it was felt that the configuration and the narrow width proposed hindered its ability to accommodate features normally associated with neighbourhood parks. These types of parkland uses are outlined in the Town's Park Development Manual. It was noted that there are currently no parks located to the east of the Hydro Corridor in this area and that the proposal does not adequately address the needs of existing and future residents to the east of this corridor in this part of Town. The distance of the proposed park from the higher density development, apartment buildings is too far considering that those inhabitants are typically the highest users of the parkland system. A more central location for the park in the vicinity of 'Street B' and or 'Street C' as identified in the draft plan of subdivision would achieve a better spatial relationship to the existing parks and is more responsive to the location of the majority of the population.

# Tree Preservation

Section 9.2.7 requires that in new subdivisions, in accordance with the Town's Tree Preservation, ( Protection, Replacement and Enhancement Policy, there is to be no net loss of trees through the



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preservation of existing trees and the planting of replacement trees. A Tree Preservation, Protection and Replacement Plan is required for Official Plan and Zoning By-law Amendments as well as for Draft Plan of Subdivision. These Plans must be derived/guided from/by the policies outlined in the Tree Preservation, Protection, Replacement and Enhancement Policy (2005). The final reports are still outstanding for this proposal and this policy requirement has not been satisfied.

#### Servicing

As set out within Section 14.0, the network of infrastructure serving the Town of Newmarket must be able to meet current demands and be planned in conjunction with the anticipated scale and rate of growth. Municipal sewer and water services are the required form of servicing for all new development. The Region of York and Town of Newmarket share responsibility for sewer and water services. A number of issues have been identified regarding servicing that remain outstanding at this time.

#### Storm Water Management

The Official Plan in Section 14.4 sets out a number of criteria for how new development should address stormwater management concerns. As set out in subsection 1): New development will provide appropriate stormwater management facilities as approved by Council and, where necessary, the Lake Simcoe Region Conservation Authority. Subsection 8 states: "All stormwater management facilities shall be designed to the satisfaction of the Town and those other authorities with jurisdiction. As set out within January 2009 *Storm Drainage & Stormwater Management* - Town of Newmarket Engineering Design Standards and Criteria Section C. As noted in Section C1.01: "Water quality and quantity control in new development areas are to be provided in Town-owned municipal blocks." The applications propose the stormwater management facilities to be located on private lands owned by the condominium corporations. This raises serious concerns regarding the potential lack ability of these corporations to be able to maintain and absorb the costs of any significant works on these facilities in the future. The approach proposed by the applicant is contrary to the Official Plan, contrary to the engineering standards of the Town and raises a number of implementation concerns as to the workability of this concept.

In summary, the application for an Official Plan amendment to change the designations permitted on these lands do not conform to a wide range of Official Plan policies, are not appropriate, do not represent good planning and are not supported. There have been a number of meetings with the applicants to identify and address the issues with this application. These matters remain outstanding at this time.

#### Newmarket Zoning By-law 2010-40

#### The subject lands are currently zoned OS-2 'Private Open Space'

The proposed zoning by-law amendment residential zones are, R1, R4 and R5. These zone categories permit a range of housing such as; detached dwellings in the R1; quadraplex, maisoneette, townhouse or stacked townhouses in the R4; and apartment building in the R5.

The proposed commercial zone CR2 will permit an art gallery, commercial athletic centre, commercial school, convenience store, day nursery, domestic animal care facility, drive-thru facility, dry cleaning establishment, financial institution, garden centre, institutional day centre, Laundromat, medical clinic, medical and dental laboratories, medical office, office, personal service shop, place of entertainment, restaurant, retail store, service or repair shop, studio, veterinary clinic.



The zone standards for the single detached dwelling units on the public road are in keeping with the ( surrounding community and reflect similar built form. Regulatory Set D requires a minimum 15 metre frontage, minimum 7.5 meter front yard setback, maximum 35% lot coverage and maximum 10.7 metre (2 storey) height in the residential zones.

On June 17, 2013 the Town of Newmarket enacted amending By-law 2013-30, which addresses residential infill development in established neighbourhoods. Staff conducted research and public consultation in advance of a Planning Department report dated April 18, 2013. The By-law amendment affects two separate areas east of Yonge Street, east of the subject lands. The resulting By-law amendment suggests that the two residential areas identified, are those neighbourhoods that require specific intensification guidelines beyond that suggested in other legislation. The subject lands do not have specific infill intensification provisions within the Zoning By-law.

As noted previously, there are a number of Official Plan policies that have not been addressed within the proposed zoning by-law. The proposed zoning by-law amendment is not in conformity with the official plan and is not supported.

#### **Public Comments**

A Statutory Public Meeting was held on January 7, 2013 at the Newmarket Theatre. The written comments as well as submissions made at the Public Meeting have been consolidated and provided to the applicant for consideration and response. A response from the application to the public comments received is contained within the Community Comments Matrix attached as Appendix 5. The comments are summarized by theme under the various headings below.

#### Growth

The development of Glenway is not required to meet the growth targets prescribed by the Province and the Region. Furthermore, it is identified that the Urban Centres are those land where growth and intensification should be targeted. The scale of development proposed is not in keeping with the community; i.e. dense townhome development and condominium buildings.

#### Green Space and Tree Preservation

The development removes green space from the community that is not sufficiently replaced by the proposed parkland dedication. The destruction or preservation of woodlots and mature trees has not been detailed in the plans provided and therefore concern surrounds their fate.

#### Community Character

The plan for new subdivisions will negatively impact the community's existing and stable character with the introduction of higher density and additional traffic. The proposed plans will negatively impact the existing residents' quality of life. A concern has been raised regarding property values.

#### Service and Infrastructure

The new development will create strain on all local facilities, existing services and infrastructure and does not provide new benefits to the community through added servicing provisions. The current community was not planned with the proposed additional dwelling units and therefore it is ill equipped to handle the influx of new residents and the implications the new homes will have on infrastructure. There is widespread concern



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surrounding the sufficiency of schools. The number of new residents will overwhelm the existing schools and not enough consideration has been made for the allocation of new school sites.

#### Traffic

There is concern regarding congestion due to increased vehicular activity throughout the community's road network. Residents point out a number of locations where congestion may be exacerbated by the increase in traffic.

# Stormwater Management

Improperly planned stormwater management may cause flooding to property. Current stormwater ponds are already insufficient in the community and increased development and runoff will aggravate the problem further.

# Agency Comments Received and Remaining Issues

As part of the complete planning applications, a number of technical reports were submitted and reviewed by internal departments, agencies, as well as other consulting technical experts on behalf of the Town of Newmarket. These comments are summarized below and are set out in further detail in Appendix 4.

#### Green Space and Tree Preservation

# Tree Inventory and Preservation Report

A Tree Inventory Report was provided and a peer review completed by Arbourvalley. Additional information has been provided by the applicant. At this time, the Tree Inventory Report is appropriate for the majority of the lands; however, outstanding information on significant trees on neighbouring properties (within 4.5 m of the property line) as well as a tree preservation and replacement plan is still required.

# Parks and Recreation

The appealed submission proposes one new park facility located to the west of the hydro corridor. Based on the review of the submission, it is recommended that two small private park facilities be developed as a component of Blocks 166 and 167. Parks and green spaces should be connected to new and existing housing through a series of sidewalks and trails. Recreation and Culture Departments prefer that large segments of parkland to be dedicated to the municipality be located in close proximity to existing stormwater management ponds (Blocks 169 and 170) and that a minimum of 5% of the land for parks purposes be provided in accordance with the *Planning Act*. Any proposed parkland should consider the new Parks Policy Manual.

#### Service and Infrastructure

# Functional Servicing Report – Water Supply & Distribution System

The following are issues with the Servicing Report - Water Supply & Distribution System.

The report must address how connections will be routed through the proposed development to avoid conflicts. The Town does not permit private watermains to loop into municipal watermains and issues regarding municipal or private watermains under municipal or private roads must be addressed. The



consultant should complete water distribution modeling of the proposed distribution to confirm the pressures.

Based on discussions with the appellant, these issues are resolvable. The appellant will need to update the reports and plans to reflect these changes to watermain configurations prior to consideration of any approvals for these lands.

#### Water Resources (York Region)

The Region of York advises that all development on the subject property should adhere to the Wellhead Protection Policies outlined in Section 7.3.39 and 7.3.45 of the York Region Official Plan to ensure protection from contamination and incompatible land uses. The Water Resources Branch has no significant concerns with respect to the impact of the development on the quality of groundwater supplied to municipal wells in the area. The commercial land proposal of a gas station, although outside the wellhead protection zone, incites concern and puts forth policies related to the preparation of a risk management plan for land storing petroleum-based fuels and or solvents.

Section 2.3 of the York Region Official Plan sets out the objectives for the careful management of stormwater. While the subject lands are located in the jurisdiction of the Lake Simcoe regional Conservation Authority, the foremost used reference guide is the Low Impact Development Storm Water Management Guide. York Region recommends consulting this guide as well as the Lake Simcoe Region Conservation Authority Technical Guide for Stormwater Management Submission. The applicant will also need to have regard for the forthcoming South Georgian Bay Lake Simcoe Source Protection Region policies contained in the SGBLS Source Protection Plan.

#### Functional Servicing Report – Grading

The following major issue has been identified with the Servicing Report – Grading.

The retaining walls proposed in the stormwater management ponds are unacceptable and should be redesigned to allow the side slopes to conform to Town Standards. Retaining walls proposed in some rear yards should be reviewed and minimized at the detailed design stage.

#### Functional Servicing Report – Sanitary Sewage

The following issues have been identified with the Servicing Report – Sanitary Sewage.

The use of MH 110A as the critical hydraulic constraint is questionable. Confirmation that adequate capacity exists in the downstream sewers, including the pumping station operated by the Region of York is required.

The appellant is responsible to pay for their share of any improvements required to the downstream infrastructure to accommodate sewage from the applicant's proposal. The relevant information from the IBI analysis of the downstream sewers has been provided to the appellant. The applicant still needs to address issues raised in the IBI comment letter and determine what improvements are needed to the downstream infrastructure and enter into an agreement for those improvements to be made.

A number of technical issues have been identified in the Sanitary Sub-Trunk System Hydraulic report that are outstanding. There is a need to undertake an up-to-date analysis of the sewer system to determine (



Community Services/Planning & Building Services Report 2013-47 October 15, 2013 Page 17 of 28

surcharging levels and any needed remedial works to accommodate development. Analysis of the West sub-trunk should take into account all proposed and possible future development within this sewershed.

Water and Wastewater Servicing (York Region)

The proposed water system design by Cole Engineering based on servicing from Newmarket West pressure district is not acceptable for the Region. Prior to approval, the local area municipality must grant servicing capacity allocation to the development, within the Region's capacity assignment and associated triggers. Prior to complete servicing allocation being available, staff are requesting that all residential lands be subject to various restrictions (i.e. Holding 'H' Zone) to ensure that the water and wastewater servicing are available prior to occupancy.

#### Stormwater Management

# Functional Servicing Report

The following issues have been identified with the Servicing Report – Storm Drainage and Stormwater Management. In addition to a number of technical comments, the following issues have been identified.

Existing private ponds should be conveyed to the Town and designed to meet Town standards. This is a requirement of the Town's engineering standards. There is concern regarding the water levels proposed in the ponds and the impact the hydraulic grade line would have on foundation drains for the homes. All homes should be protected from flooding for major storm events. Confirmation is needed that the existing storm infrastructure is able to accept drainage throughout the site. Proposed lots east of Ponds 8 and 9 conflict with existing storm sewers to the extent they are likely not developable.

There have been ongoing discussions with the appellants regarding resolution of these concerns and responses to requested additional technical materials. However the primary issue that the existing private ponds should be conveyed to the Town and designed to meet Town standards has not been addressed in this submission.

Additional comments were provided by the Lake Simcoe Region Conservation Authority addressing issues related to quality control volumes including existing upstream drainage. The LSRCA commented on a wide range of technical issues and the need for more detailed information. These comments related to flow targets, capacity for outlets, assessment of existing conditions, conveyance capacity, pond overflow details, calculation of storage capacity for ponds, the need for maintenance access for ponds and detailed elevations for the ponds. The appellant has been requested to submit a water balance.

All of the above issues are outstanding and yet to be resolved.

# <u>Traffic</u>

# Traffic Impact Study

The review of the Traffic Impact Study identified a number of concerns with the proposal. The report should be revised to address Town road standard requirements, balancing of traffic counts, 10-year horizon and revised trip generation rates, the most recent plans and development proposals within the area, the need for traffic calming, any impacts that the proposed development may have on existing and proposed access points and be consistent with traffic forecasts for other developments in the area.



There is also the need to co-ordinate the location of Street B with the future collector road to the north.

Ongoing dialogue has occurred between the Town's traffic consultant and the appellant's traffic consultant. A number of these issues require input from the Region as Davis Drive is a regional road. An update to the study is required.

#### Central York Fire Services

Central York Fire Services has advised that Street B is a long dead end street A secondary emergency egress from Street B. Perhaps through Block 169 or 170 is required. A truck turning template on drawing for an Aerial Fire vehicle is required to show maneuvering from Street B both southbound and northbound onto Street C and along Street A both southbound and northbound at 90 degree turns at Lots 34 and 51. Additional comments will be provided once more details are known regarding the siting of structures and access roads for the development proposed on the blocks on the plan.

#### Transportation (York Region)

The Transportation Planning Branch of York Region requires clarification to justify trip rates and why the rates applied are appropriate for the area. The modal split is not clear in how it is applies to the seniors living, office commercial, and retail commercial uses as these are not defined land uses in the guide. The assumptions must be clarified. Consideration should be taken to assess a long term study horizon year given the resulted trip generation estimates. Trip distribution percentages shall be specific to each type of land use. A summary of the queuing analysis under the total future traffic conditions shall be included to assess whether queue lengths for critical movements can be accommodated. Transit Demand Management initiatives should be enhanced.

#### Environmental Site Assessment

Overall, there are limited concerns with this Phase 1 report. The applicant needs to update Section 3.3.8 in the final report to address the nature of the watercourse flowing through the site. The applicant should include new cross sections for groundwater flow direction in Phase 1 Conceptual Site Model. A final report will be prepared in accordance with the new regulations as amended.

Regarding the Environmental Site Assessment – Phase 2 report, there were a number of technical revisions required and the report needs to be updated in accordance with the applicable O.Reg. It was noted that the reports need to be suitable to support a Record of Site Condition for each parcel being developed and that the Town should be included as party that is able to rely on the Phase 1 and 2 reports. A revised report is required.

#### <u>Hydrology</u>

Additional information is required. The diagrams provided in support of the application do not sufficiently demonstrate the future conditions and how future grading or drainage catchment may be affected. Proposed development infrastructure needs to be identified in particular when they are below the water table. The location of the main aquifer unit in Section 2.5 is inconsistent with the observations based on data presented in the borehole records and cross-sections. The supporting documents are lacking in that they do not discuss the affect of vertical hydraulic gradients. The groundwater samples do not illustrate whether there may be other potential contaminants in the groundwater flow system. Generally there appears to be some inconsistency in the data used and tables presented. Further refinement, analysis and (justification of data and the research approach used are needed.

# School Boards Comments

Circulation to the York District School Boards has resulted in the following comments.

# York Region District School Board

The York Region District School Board identifies the need for an elementary school site to accommodate new development in the northwest quadrant of Newmarket. A site has been identified along Davis Drive with interior access off of Street B. Due to the land configuration, the site identified is not ideal and the Board will continue to pursue other sites that better meet their needs. Should a better site be secured, the School Board will withdraw its Glenway site request. The proposed location is within Blocks 171, 172 and lots 123, 124 and 125. The School Board has indicated support for dual zoning for these lands to allow the reuse of the site without a further planning approval if the site is not acquired for a school.

# York Catholic District School Board

The York Catholic District School Board reviewed the without prejudice offer and states that they have no comment or objection to the proposed development.

# WITHOUT PREJUDICE SETTLEMENT OFFER

The Without Prejudice Settlement Offer was submitted on August 23, 2013. Within that offer, the proposal was for a revised Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision containing 184 single detached dwellings, 219 townhouse units of which 205 are residential and 14 are live-work units, 297 apartment units and 30 detached common element condominium bungalows. The total number of units proposed is 730.

The terms of the Without Prejudice Settlement Offer are set out in detail in Appendix 1. The offer terms are that the settlement would be presented to Council by November 2013. The following are the substantive revisions to the application:

- the high density block has been reduced in height from 15 to 6 storeys and a maximum of 297 units;
- stormwater management ponds have, for the most part, been designed to meet town standards and all meet MOE standards. The ponds will be dedicated to the municipality;
- Introduction of live/work units as a component of the medium density block; and,
- a combined stormwater management pond and open space block has been proposed for the centre of the neighbourhood.

The appellant has indicated in the settlement offer that existing perimeter trees will be preserved adjacent to existing dwellings and fencing will be replaced or repaired. A contribution of \$250,000 is proposed to assist with the improvements to the park facility.

This settlement offer was circulated by the Town of Newmarket to commenting agencies and internal town departments with a request for comments by September 19<sup>th</sup>. A number of agencies have provided comments but all comments have not been received by the date for finalization of the report. Additional comments received will be provided to Council under separate cover if received prior to the meeting.



# Comments Received On the Without Prejudice Offer Include:

The settlement offer contained a number of conditions for settlement beyond the proposed revisions to the planning applications.

One of these conditions was a request for servicing allocation at this time. Planning and Building Services in a June 10, 2013 report, advised that Newmarket's unassigned servicing capacity was 1461 persons which the Town has been holding in strategic reserve for projects in the urban centre. Of the potential allocation of 1461 persons, Planning and Building Services have recommended servicing for 578 people in support of the Mosaik draft plan of subdivision, leaving a capacity for 883 persons. In June of this year the Region unofficially granted an additional 2561 persons of additional capacity for general distribution, and an additional 1000 persons directed towards the urban centres making a total capacity available to service units for 3444 persons. The Region will be providing further allocations by June 2014. This interim allocation is to assist growth within Newmarket until the Upper York Sewage Solution (UYSS) is in place, currently scheduled for 2018.

As of January 15, 2012 the Town had received development applications requiring capacity for 12,363 persons including this proposal and Mosaik. At that time the Town had not committed allocation to 7819. Given the proposed allocation to Mosaik the number would be reduced to 7241. The Town projects that the Glenway application would be able to house a population of 1942.

The Servicing Allocation Policy for Newmarket prioritizes servicing allocation based upon the area to be developed - the Urban Centre being the top priority, then areas within Emerging Residential areas and then Stable Residential areas. The Glenway application is proposing development within a Stable Residential area. Based on these criteria, Glenway would be considered a lesser priority for servicing allocation.

It is the Town's practice that all planning approvals are to be in place prior to consideration of a servicing allocation request. The allocation request is dealt in a separate process and a separate report to Council.

Based upon the Town's current availability of servicing for allocation, current development applications requiring servicing, and the priority status of the location of the development based on the Town's criteria, and the current practice regarding allocation, there is insufficient justification to grant an allocation to these lands at this time.

The second set of conditions for settlement is related to the remaining golf course lands. These include a proposed commitment by Marianneville to build a 9 hole golf course and to operate the golf course for 15 years with the option that, at the end of this period, the Town would be provided the option to purchase the golf course. In exchange, the Town would commit to permitting a clubhouse to be constructed and process any required applications and that the club house would be permitted to be severed and retained by Marianneville if the Town purchased the lands in the future.

No site plan application for the 9-hole facility or the clubhouse has been received by the Town of Newmarket. A pre-consultation meeting was held on January 30, 2013. A complete application would require the submission of a number of studies and drawings, including a planning justification report addressing, among other matters, conformity of the proposal with the Oak Ridges Moraine Conservation Plan and the Lake Simcoe Protection Plan. There has been no submission of this application and, more specifically, the planning justification report or any further discussion with Town staff regarding this proposal since that time. It is premature for the Town of Newmarket to provide any commitment regarding the development of these lands until an application is received and reviewed.

Stormwater Management

In a letter dated September 18, 2013 Lake Simcoe Region Conservation Authority provides additional comments and reiterates previous comments based on the alternative development scenario. The Authority informs that added information and modeling is required to demonstrate that the proposed stormwater management facility will not exceed pre development peak flow. Additionally, information is required to demonstrate that there is available downstream conveyance capacity for proposed development storm drainage. The original storage-discharge rating curve for each pond, needs to be verified by a current survey. The emergency overflows will need to convey the higher of either the 100 year uncontrolled basis or the Town's criteria. The permanent pool storage volume needs to be based on the total tributary area according to MOE guidelines. An evaluation of the water balance is to be completed. Previous comments from June 14, 2013, May 2, 2013 and June 17, 2012 have not yet been addressed. Response to these items should be summarized in a cover letter presented with the next submission. Additional information is required to demonstrate that there is available downstream conveyance capacity

In a letter dated September 27, 2013 Burnside and Associates Limited provided comments on the Without Prejudice Offer. The submission proposes ponds 6,8 and 9 are proposed to be in public ownership but pond 4 is proposed on private lands. All ponds are to be located on lands to be conveyed to the municipality. The Functional Servicing Report in Section 7.6.1 identified physical features that are noted to be retained by town staff. This direction was not provided by Town staff. This constraint, if removed, allows for additional flexibility in the pond designs. All ponds must be to Town standards. Based on the review, it appears that the ponds can be revised to conform to Town standards with minimal impact on the overall footprint. Suggested revisions to the pond design have been provided to the appellant by Burnside to assist the resolution of this matter. Further revisions to the ponds may be required to address the Lake Simcoe Region Conservation Authority comments. Access roads to the ponds still need to be confirmed. The areas to be considered part of the storm water management ponds versus parks has been identified by Burnside and this information has been provided to the appellants.

An emergency access road is required for Street B to either Eagle Street or Crossland Gate.

It is noted that revised reports and further analysis is still outstanding regarding earlier comments from Burnside. No additional submissions have been received regarding those matters at this time.

#### Proposed Parkland Dedication

As noted previously in the report, Section 8.2.2 sets out the parkland dedication requirements within the Official Plan. Specifically, the policy states: "All lands conveyed as part of parkland dedication must be suitable for public recreation uses and acceptable to the Town in accordance with the Planning Act". The proposed settlement includes a number of small fragmented pieces of greenspace located around the pond features and has identified these lands as proposed parkland. These fragments do not satisfy the policy requirement that they be suitable for public recreation uses. Historically, these fragments are considered part of the pond block and would not be accepted as parkland dedication. There is no basis within the Official Plan to accept these fragments as parkland as proposed in this settlement offer.

The Town supports the concept of locating new parkland adjacent to the stormwater management ponds to provide a central area of greenspace for the community. The location and area requirements for parkland could be met by a revision to the design of Street B and the reclassification of a limited number of lots to parkland.



Section 9.2.7 requires that in new subdivisions, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy, there is to be no net loss of trees through the preservation of existing trees and the planting of replacement trees. Additional information is outstanding to demonstrate how this policy has been satisfied.

#### Proposed Official Plan Amendment and Zoning By-law Amendment

The Without Prejudice offer proposes a reduction of the high rise apartment building to 6 storeys This revision to the plan assists in addressing a number of the issues regarding compatibility identified in the comments on the original application. In addition, the offer introduces a mixed-use 4 storey development at the southeast corner of Street B and Davis Drive, which is an interesting new element that may assist in the creation of a more complete community. There are a number of other outstanding issues regarding Official Plan conformity and details required for the zoning by-law that are not addressed in this offer.

#### Remaining Issues

The supporting information accompanying the without prejudice office did not address the remaining issues set out within Appendix 4. All of these issues will need to be addressed prior to any consideration of approval of development by the Town on these lands.

In summary, the Without Prejudice Settlement Offer does contain a number of positive revisions to the applications and the efforts of the appellant to address the concerns of the municipality and commenting agencies are appreciated. There remain a significant number of unresolved concerns. The settlement as presented cannot be accepted.

#### BUDGET IMPACT

#### Operating Budget (Current and Future)

The appropriate planning application fees have been received for draft plan of subdivision. The upcoming Ontario Municipal Board will be a cost to the Town of Newmarket.

#### Capital Budget

There is no direct capital budget impact as a result of this report.

#### CONCLUSION

Based on the above analysis, it is recommended that applications for Official Plan Amendment – D9NP1210, Zoning By-law Amendment-D14NP1210 and Draft Plan of Subdivision – D12NP1210 submitted on April 20, 2012 be denied due to substantial unresolved technical issues regarding the proposed form of development as set out within this report.

The Without Prejudice Offer in the form as submitted on August 23, 2013 was not complete, as it did not address many of the outstanding concerns with the applications. In addition, the offer contained terms not acceptable to the Town. It is recommended that the Without Prejudice Offer not be accepted as presented

It is acknowledged that efforts into addressing specific concerns such as stormwater management have occurred and that there is value in further discussions with the appellants to scope and potentially resolve



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issues prior to the Ontario Municipal Board Hearing. For this reason, Council is requested to direct staff and legal counsel to continue to work with the proponent, commenting agencies and the residents toward the resolution of issues in advance of the Ontario Municipal Board hearing scheduled for December 10, 2013 and an eight week Hearing commencing March 3, 2014 with a view of resolving such issues. Any changes to the issues will be reported to Council, parties and participants.

#### <u>CONTACT</u>

For more information on this report, contact:

Bart Ryan MPL BAH iPLANcorp 189 Beechwood Crescent Newmarket, Ontario L3Y 1W2 T: (905) 235-5072 F: (905) 235-5472 Ruth Victor MCIP RPP Ruth Victor and Associates 1243 Valleybrook Drive Oakville, Ontario L6H 4Y1 T: (905) 257-3590 F: (905) 257-1521

Bart Ryan MPL BAH

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Ruth Victor MCIP RPP



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# Appendix 1

# Without Prejudice Offer



Kagan Shastri<sup>119</sup>

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IRA T. KAGAN Tel. 416.368.2100 x 226 Direct Fax: 416.324.4224 <u>ikagan@kslip.ca</u>

File: 10018

# WITHOUT PREJUDICE

August 23, 2013

<u>By email</u>

Ms. Esther Armchuk-Ball, Town Solicitor Town of Newmarket 395 Mulock Drive Newmarket, Ontario L3Y 4X7

Dear Ms. Esther Armchuk-Ball:

# Re: Redevelopment of former Glenway Country Club Appeal to OMB of OPA, ZBL and Subdivision Applicant/Appellant: Marianneville Developments Limited

We are the solicitors for Marianneville Developments Limited with respect to the above-noted matters. All three development applications have been appealed to the OMB. At the OMB prehearing conference held August 7, 2013 the OMB schedule an eight (8) week hearing commencing on Monday, March 3, 2014. The OMB also scheduled a further prehearing conference on Tuesday, December 10, 2013. The OMB was advised that a settlement offer would be sent to the Town in an effort to resolve all issues as between our client and the Town. That settlement offer is detailed herein.

Attached to this letter are:

- a) A revised plan of subdivision.
- b) A revised Official Plan Amendment; and
- c) A revised Zoning By-law Amendment.

The area of the property which is the subject of the development applications is nearly ninety (90) acres. Marianneville also owns other lands (which were formerly used as the Glenway Golf Course) and which lie west of the parcel which is the subject of the development applications. These other lands total nearly fifty-seven (57) acres.

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The settlement proposed would provide 6.5 acres of parkland on the development parcel. This would exceed the maximum parkland dedication requirements under the <u>Planning Act</u> (using either the 5% rate or the alternative 1 ha / 300 dwelling unit rate).

The settlement proposes the following unit counts:

- 184 single detached units (comprised of 160 two-storey detached homes plus 24 single detached common element homes (on Block 168).
- 219 townhouse units of which 205 are residential (Blocks 166 and 167) and 14 are live-work (Block 172).
- 297 apartment units on Block 171.
- 30 detached condominium common element bungalows (on Blocks 169 and 170).

The total number of dwelling units is 730.

The terms of the proposed settlement are summarized below:

- 1. Town staff will report this settlement to Town Council by November 2013. That report will be a "recommendations" report as opposed to a preliminary report. The report will seek council instructions on whether or not to accept the settlement offer. If council supports the settlement then the Town and our client will jointly request that the OMB approve the settlement at the next upcoming prehearing conference. Marianneville acknowledges that there are other parties to the OMB hearing and that they might oppose this joint request.
- 2. The above-noted staff report will deal with all three development applications (OPA, ZBL and subdivision). The parties will work co-operatively to come to agreement on the form and content of the OPA, ZBL as well as the conditions of draft plan approval. The OPA, ZBA and plan of subdivision will be substantially consistent with the attached documents. If the parties cannot agree on all of the conditions of draft plan approval then the OMB will be requested to settle the dispute.
- 3. With respect to Block 171, the development will be limited to a height of six (6) storeys and a maximum of two-hundred and ninety-seven (297) dwelling units.

The SWM ponds have, for the most part, been designed to meet Town standards. They have all been designed to meet MOE standards. Marianneville's consulting team has already provided the Town with the details of and justification for the differences. The Town will accept dedication of these SWM ponds through the subdivision approval process.

5. The Town will allocate sanitary sewer and water capacity for seven hundred and thirty (730) units forthwith after approving this settlement. The parties acknowledge that such allocation only becomes effective if the OMB approves the development.





- 6. The Town will support the commercial block (Block 173) substantially as applied for including all uses identified by the rezoning application. Marianneville acknowledges that Block 173 is subject to site plan approval and that additional reports may be required in connection therewith.
- 7. Marianneville will provide a 6 metre landscaped buffer along the west side of Block 168. The landscaped buffer will form part of the block. The purpose of the buffer is to maintain (and enhance) the existing mature vegetation which benefitting the existing homes on the east side of Kirby Crescent (i.e. the rear of addresses 273-391 Kirby Crescent).
- 8. Marianneville will dedicate (at no cost to the Town), 6.5 acres of parkland in a ring park (which is identified on the draft plan as well as an attached park schematic). This amount exceeds the maximum amount of parkland which Marianneville could be required to provide to the Town pursuant to the <u>Planning Act</u>.<sup>1</sup> Using the 5% parkland rate, the Town would be entitled to 4.58 acres of parkland and using the alternative rate (1 ha / 300 dwelling units), the Town would be entitled to 6.08 acres. Both of these numbers include the commercial block. In both cases the proposed 6.5 acres of parkland exceeds the maximum amounts required under the <u>Planning Act</u>.
- 9. Where an existing dwelling will abut a new proposed dwelling, Marianneville will use every reasonable effort to preserve existing perimeter trees (for screening purposes). In addition and where feasible, additional perimeter planting will be provided. This will all be at Marianneville's expense.
- 10. Since some of the existing fencing (between existing homes and the former golf course) is not in good condition. Marianneville will repair (or where appropriate, replace) such fencing. This will all be at Marianneville's expense.
- 11. Marianneville will contribute to the Town, as a condition of registration of the plan of subdivision, the sum of \$250,000 which will be used by the Town to improve the ring park. As the Town is aware, the <u>Planning Act</u> parkland dedication provisions do not require a developer to improve a park. The developer is only required to dedicate the land to the Town and the Town then bears the cost of improving the park. In this case, however, Marianneville is providing substantial funds towards park improvements in the community.
  - 2. With respect to the lands on the west side of the proposed development (being lands) owned by Marianneville but not presently subject to development applications):

<sup>&</sup>lt;sup>1</sup> If the Town was to require parkland at the rate of 5% of the land area subject to the subdivision (being 90 acres), then the total parkland requirement would be 4.5 acres. If, on the other land, the Town used the alternative rate of 1 ha / 300 dwelling units, then the 730 units would generate a parkland dedication of 6 acres. In addition, the 1.6 acre commercial block would generate 0.08 acres of parkland.



- a. Marianneville will build a nine (9) hole golf course on the lands through an amendment to the existing golf course site plan approval.
- b. Marianneville agrees to operate the golf course for a minimum of fifteen (15) years but is under no obligation to operate it beyond that time.
- c. At the expiry of the fifteen (15) years the Town may, at its sole option, purchase the lands from Marianneville at fair market value. If the Town does not enter into an Agreement of Purchase and Sale with Marianneville by the expiry of the fifteen (15) year period then Marianneville is at liberty to sell the land to anyone else.
- d. Should Marianneville chose to build a new clubhouse to support the fine (9) hole golf course, then the Town agrees to permit such a clubhouse and to process any required development application and permits expeditiously.
- e. The parties agree that the clubhouse will be severed from the balance of the golf course lands and that Marianneville may choose to retain ownership of it and not sell it to the Town. The parties agree that Marianneville will not be under any obligation to sell the clubhouse to the Town.
- 13. If Town Council accepts this settlement offer then it will jointly request (with Marianneville) that the December 10, 2013 OMB prehearing conference be converted to a settlement hearing for approval. Despite the foregoing the parties acknowledge that other parties to the OMB hearing may oppose this settlement and may oppose the matter being decided on December 10, 2013 (preferring that it be decided instead in March 2014 at the scheduled 8-week hearing).

Finally, although this settlement offer is being provided on a "without prejudice" basis, our client hereby consents to it being made public so that, among other things:

- It can be circulated to relevant departments of the Town.
- It can be circulated to commenting agencies including the TRCA and the Region of York.
- It can be provided to the Glenway Preservation Association and any other party or participant to the OMB hearing; and
- It can be dealt with at a public session of Town Council (or a committee of council) should the Town wish to do so. Regardless of the decision the Town will make its planning analysis public (and thus provide it to our client). The Town if of course free to provide any strategic or legal advice on a confidential basis.

Moreover, despite this offer being made public, it remains without prejudice. Accordingly, should the not result in a settlement as between the Town and our client, then our client is at liberty to seek OMB approval of the applications as filed (and appealed) and neither the Town nor any party or participant may use this without prejudice offer in opposition to those appeals.





This offer is open for acceptance until otherwise revoked, in writing. We look forward to the Town's response.

Yours very truly,

hagan

Ira T. Kagan Enclos. (draft OPA, draft ZBL, draft plan of subdivision and parkland schematic)

cc. Client and its consulting team Mr. James Feehley (counsel to the Glenway Preservation Association)



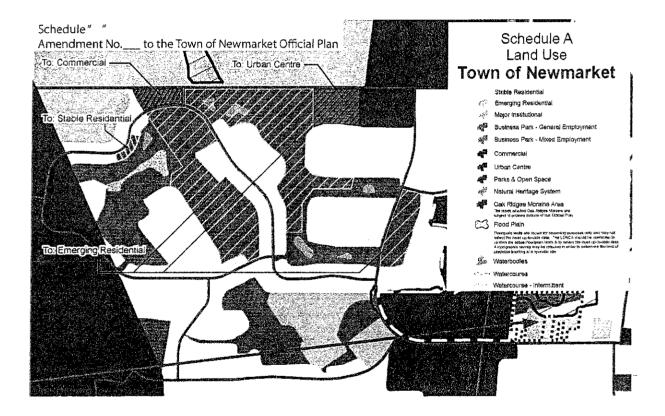


# SCHEDULE 1

### DRAFT OFFICIAL PLAN AMENDMENT

#### THE AMENDMENT

Schedule A – Land Use of the Town of Newmarket Official Plan is amended by changing the designation of certain lands of the former Glenway Country Club from "Parks and Open Space" to "Urban Centre", "Emerging Residential", "Stable Residential" and "Commercial", all as shown on Schedule " " attached hereto.



WITHOUT PREJUDICE



# ZONING BYLAW AMENDMENT

# CORPORATION OF THE TOWN OF NEWMARKET BY-LAW NUMBER \_\_\_\_\_



A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.

THAT By-law Number 2010-40, as amended, be and the same is hereby further amended by:

- 1. Deleting from schedule 'A' Map Number 8, the Open Space (OS-2-2, OS-2-32) substituting therefore the Residential (R1-D), the Residential (R1-CP) Zone, the Residential (R4-CP) Zone, the Residential (R5-\_\_\_) Zone and the retail Commercial 2 (CR-2-\_) Zone shown more particularly on Schedule "X" attached hereto.
- 2. Adding the following regulations relating to the R5-\_\_\_Zone to <u>Section 8.1.1 List of Exceptions</u>:

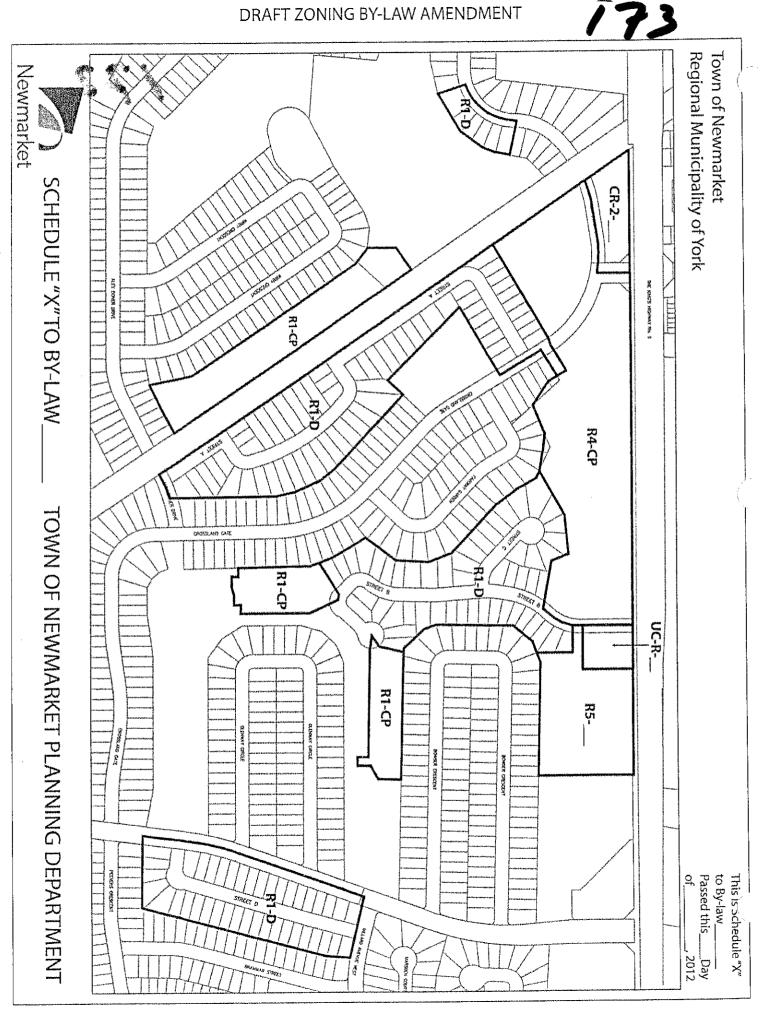
	Exception	Zoning R5-	Мар 8	By-Law Reference	File Reference		
i)	Location: Bloc	ck 169					
ii)	Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R5 shown on Schedule "X" attached hereto:						
		Height	rements, the north	l4 m l8 m (6 storeys) lot line shall be considered 30 m	the front lot line.		

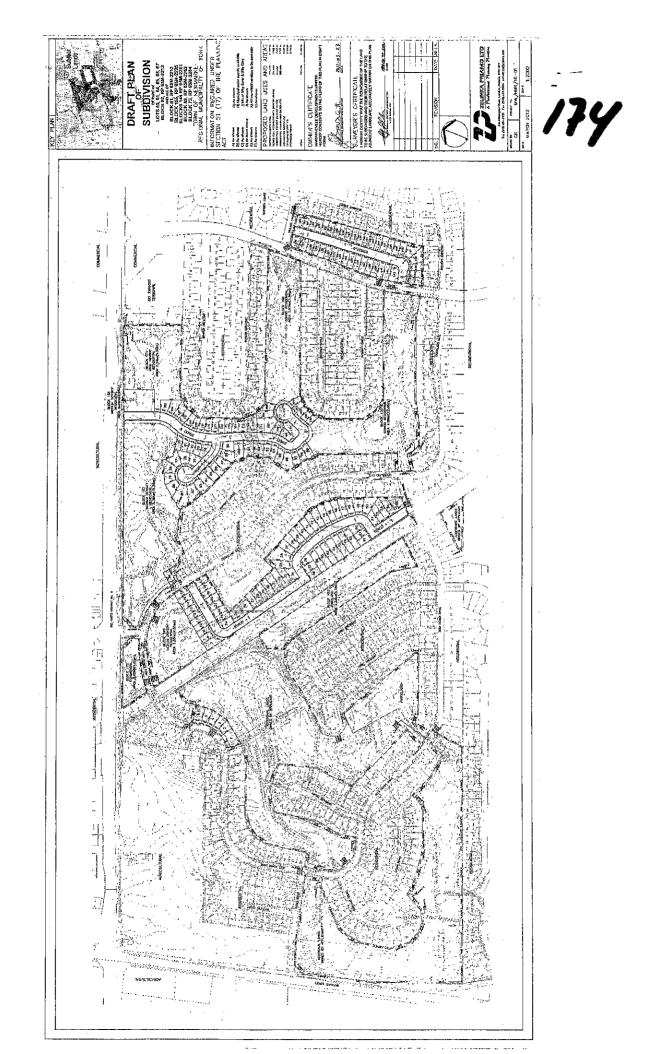
3. Adding the following regulations relating to the CR-2- Zone to <u>Section 8.1.1 List of Exceptions</u>:

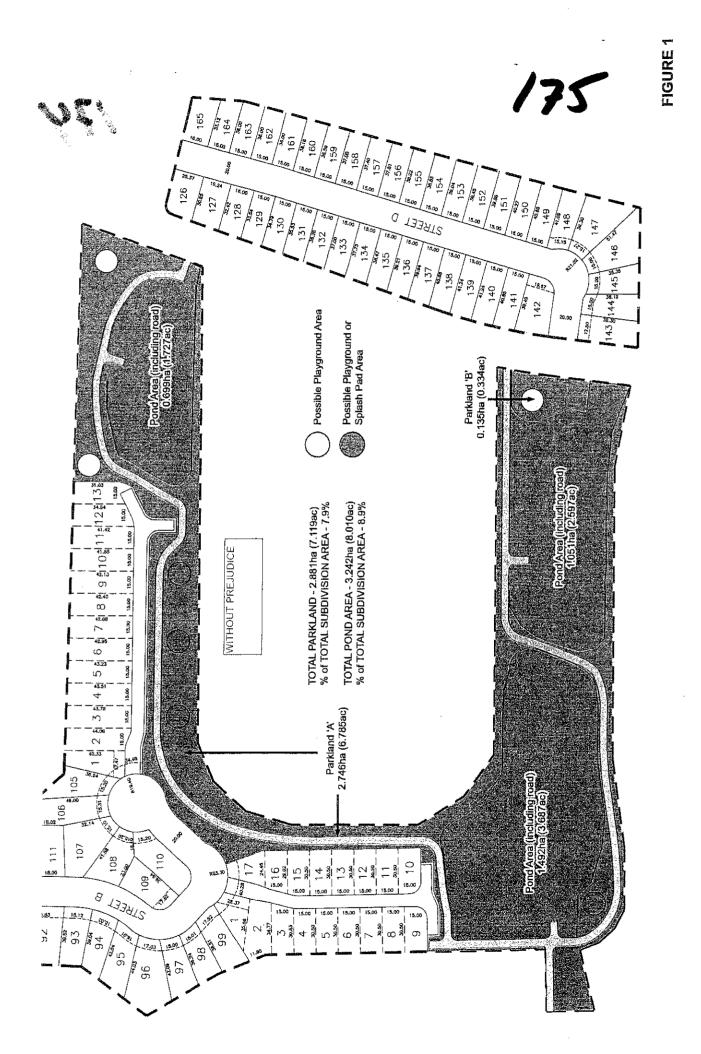
Exception		Zoning CR-2-	Map 8	By-Law Reference	File Reference		
i)	Location: Block 171						
ii)	Uses: In addi	tion to uses permit	ted in the C-2 zor	ne, a motor vehicle service st	ation is permitted.		
iii)	Notwithstanding any other provision of the by-law to the contrary, the following provision shall apply to the lands zoned C4-2- shown on Schedule "X" attached hereto:						
	a) Regulation	is relating to the mo	otor vehicle servio	ce station shall be as set out i	n the AC zone.		

4. Adding the following regulations relating to the UC-R- Zone to <u>Section 8.1.1 List of Exceptions</u>:

Exception		Zoning UC-R-	Map 8	By-Law Reference	File Reference		
i)	Location: Block 170						
ii)	Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned UC-R- shown on Schedule "X" attached hereto:						
"7			shown on Sche	dule "X" attached hereto:			



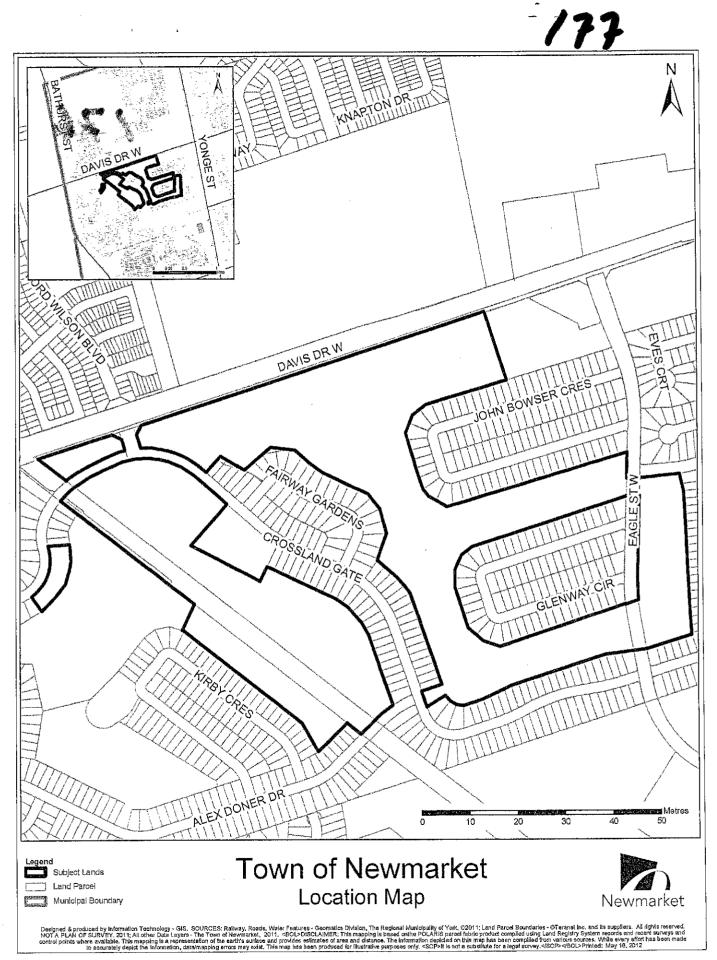






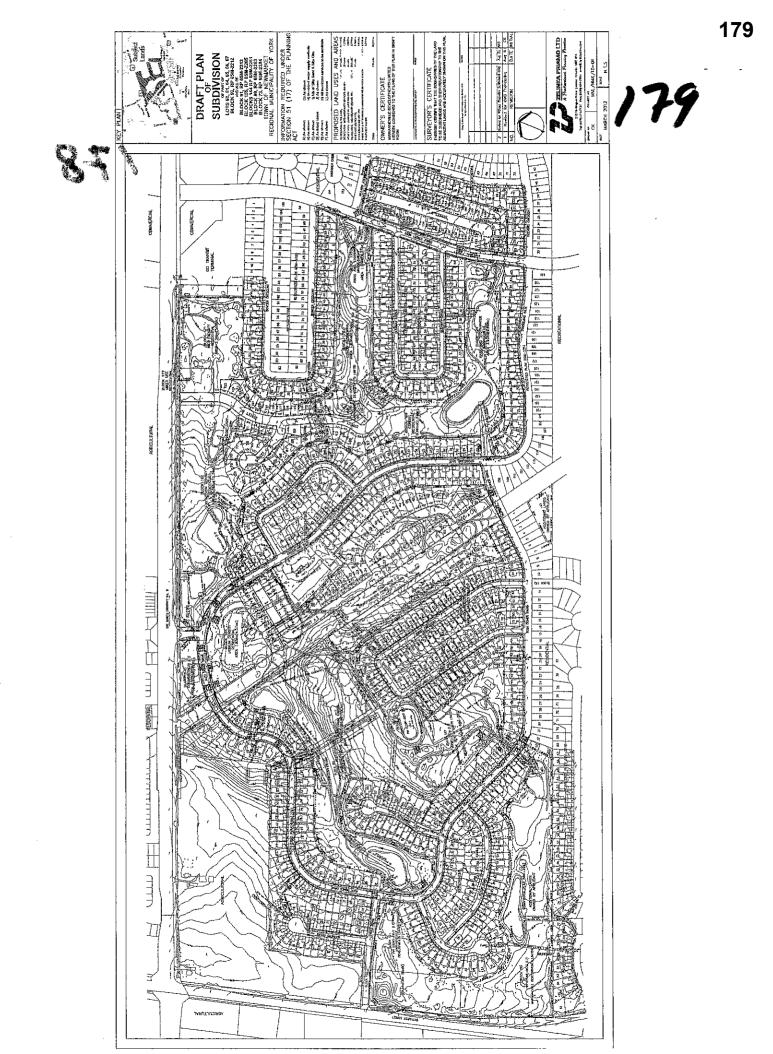
Appendix 2 176

# Location Map





# Draft Plan of Subdivision



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# Appendix 4 180

# Summary of Outstanding Issues and Comments

**Summary of Outstanding Issues and Comments** (Glenway) - Marianneville Developments Limited

Zoning By-Law Amendment – D14NP1210 Draft Plan of Subdivision - D12NP1210 Official Plan Amendment - D9NP1210

2.0

Tree Inventory Report by York Urbanist (Peer Reviewed by Arbourvalley)	ourvalley)
Original Issue Identified by Review Agent(s)	is the issue resolved? Required Next Steps
With respects to the tree inventory, all significant trees are to be Partially	York Urbanist is required to provide information on
measured individually and exactly. Significant trees are to be measured	significant trees on neighbouring properties.
at 1.4 metres. Significant trees on neighbouring properties and abutting	
municipal properties need to be identified.	

Tree Preservation and Tree Replacement Plans are

required.

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Tree Preservation Plan and Replacement Plan required

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Shadow Impacts by Zelinka Priamo	(Peer Review by iPLANcorp)

(Leel Verlew by IL EVILLOIP)	
Original Issue Identified by Review Agent(s)	ssolved? & Required Next(Steps
Part of proposed Lot 168 to the immediate west would be impacted by Partially	Revised submission required
proposed development.	
Further assessment of the impact of the proposed apartment	

development on proposed detached, medium-density and existing

development is required.

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Parks and Recreation Assessment		
(Peer Reviewed by Town of Newmarket)		
Original Issue Identified by Review Agent (s)	Is the issue resolved? I Required Next Steps	Required Next Steps
Recommends two small parks be located near Blocks 166 and 167.	Partially	Under discussion Outstanding
Recommends that parks and green spaces be connected to new and existing housing through series of sidewalks and trails.	Partially	Under discussion Outstanding
Recreation and Culture Department prefers that large segments of parkland be located in close proximity to existing stormwater management ponds (blocks 169 and 170) and that a minimum of 5% of the land for parks purposes be provided in accordance with the Planning Act	Partially	Under discussion Outstanding
Monteith Brown's letter informed that the area to the east of block 173 is underserved for parkland.		
Upcoming Parks Policy Manual should be considered.	Partially	Outstanding
Directions report recommendations regarding parkland requirements for North west corner of City	OZ	Needs to be addressed in next submission.
Functional Servicing Report by Cole Engineering - (Peer Reviewed by MIMI Group)	- Water Supply & I	ring – Water Supply & Distribution System
Original Issue Identified by Review Agent(s)	Is the issue resolved?	Istheitsueresolved?   RequiredNextSteps
Report must address how connections will be routed through the proposed development to avoid conflicts.	Pending	Further information is required of the applicant.
Town does not permit private watermains to loop to municipal watermains.	Yes	The by-pass line will be removed and the proposed medium density block (no 169) will provided a single
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Plans need to be updated.	The Applicant will need to update plans to reflect changes to watermain configurations. Further, the	Applicant needs to conclude direction for municipal	watermain along south side of Davis Drive for water	distribution between Crossland Gate and Street B.	Further information is required from the applicant.	
	Partially				Pending	
	Issues regarding municipal or private watermains under municipal or private roads.				Consultant should complete water distribution modeling of the	proposed distribution to confirm the pressures.

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# Functional Servicing Report by Cole Engineering – Grading (Peer Reviewed by RJ Burnside and Associates)

Original Issue Identified by Review Agent(s)	ils the issue resolved? A Required Next Steps	Required Next Steps
The retaining walls proposed in the stormwater management ponds	Pending	Outstanding
are unacceptable and should be redesigned to allow the side slopes to		
conform to Town Standards.		
Retaining walls proposed in some rear yards should be reviewed and	Pending	Outstanding
minimized at detailed design stage.		

# Functional Servicing Report by Cole Engineering – Storm Drainage and Stormwater Management

(Peer Reviewed by RJ Burnside and Associates)		
Original Issue Identified by Review Agent(s)	Is the issue resolved?	Is the issue resolved? (Required Next Steps 2.1. 1997)
Existing private ponds should be conveyed to the Town and designed to No	No	Ponds need to be designed to Town standards.
meet Town standards.		
		Applicant to provide additional information
Concern was expressed regarding the water levels proposed in the	No	Applicant required to provide further analysis.
ponds and the impact the hydraulic grade line would have on		
foundation drains for the homes. All homes should be protected from		Sump pumps are not permitted. Foundation drains will
flooding for major storm events.		need to have gravity connections.
		Cole is to provide a hydraulic grade line (HGL) analysis

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which shows all existing and proposed homes will be	protected.	Cole indicates that if the HGL analysis indicate that	flooding of homes may be an issue a foundation drain	collector system (FDC) will be considered. Cole is to	confirm that a viable outlet exists for the FDC system.	Applicant required to provide further analysis.	A	Applicant to provide turturer analysis of provide greater detail on alternative layouts.	Applicant required to provide further analysis.	Town will defer to LSRCA on this issue.	Outstanding	Cole agrees that overland flow will be directed through	piping.	Waiting on the revised report to verify.
						No	No.		 No	No		Partially		
						Need confirmation that the existing storm infrastructure is able to accept drainage throughout the site.	Pronoced lots east of Ponds 8 and 9 conflict with evicting storm courses		Location of discharge from proposed pond overflow weirs should be provided. Emergency overflow capacity must meet Town Standards (0.10 cu.m./s/ha.)	Quality control volumes must include existing upstream drainage.		Town will not permit any overland flow from public roadways to	discinal ge overland across private lands.	

# Functional Servicing Report by Cole Engineering – Sanitary Sewage (Peer Reviewed hv RI Rurnside)

(Leel verlemen by va builling (		
Original Issue Identified by Review Agent(s)	is the issue resolved? 👘 Required Next Steps	Required Next Steps
The use of MH 110A as the critical hydraulic constraint is questioned.		IBI is carrying out an analysis of the downstream sewers
Confirmation that adequate capacity exists in the downstream sewers	No	for the Town.
including the pumping station operated by the Region of York is		•
required.		The Applicant is to address issues in IBI comments letter
		and determine what improvements are needed to the
		downstream infrastructure and enter into an
	-	agreement for those improvements to be made.

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Applicant to provide confirmation from Region of York
that adequate capacity exists to handle flows from this
development.

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Traffic Impact Study by Cole Engineering Group	

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(Peer Reviewed by R.J. Burnside & Associates Limited)	nited)	
Original Issue Identified by Review Agent(s)	ls the issue resolved?	s the issue resolved?      Required Next Steps
All roads should be revised to conform to Town standards.	Pending	To be addressed in next submission.
Region should review primary intersections with arterial roads under their jurisdiction.	Pending	Intersection lane configurations, left lane turn configurations, left lane delays, sight distances, queuing and inconsistencies in recommendations, will be reviewed in conjunction with revised trip generation counts for proposed development. Applicant to review and update in addendum study.
Traffic counts for Bathurst/David Drive and Bathurst/Sykes Road do not balance.	Pending	Applicant to update in addendum study.
Suggest a 10 year horizon.	No	Applicant to confirm the required horizon period with the Region.
Assumed growth in background traffic may be impacted by developments in the immediate area & the proposed Regional projects.	Pending	Waiting for the Region to confirm growth rate based on their transportation model.
Suggests that trip generation rates used for the single family units are too low for planning purposes and be revised upwards.	No	Burnside recommends the use of ITE rates. Outstanding
TIS should take into account the most recent plans and confirm any impacts that the proposed development may have on proposed access to Davis Drive/Bathurst from Sykes Rd.	Pending	Burnside requires comments on impact to Sykes Road access to the external development. Outstanding
Phase 2 development at Yonge Street not listed in the analysis.	Pending	Applicant to update in addendum study.



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# Environmental Site Assessment – Phase 1 by Cole Engineering

(Peer Reviewed by K.J. Burnside and Associates)		
Original Issue Identified by Review Agent(s)	the issue resolved?	sectors and street issue resolved? Required Next Steps
Missing analysis with respect to whether the tributary of Ansnorveldt Pe	Pending	Applicant will update Section 3.3.8 in the final report to
Creek constitutes a 'sensitive' area.		address the nature of the watercourse flowing through
		the site.
Site contains areas of filling shown in borehole logs and air photos	Pending	Historical land owner has indicated that no fill has been
which is contrary to statements made in the EA.		placed on the Site. Materials described as "fill
		materials" have been moved from on-site sources
		during development of the site.
		To be confirmed
Site model should include interpreted groundwater flow directions.	Pending	Applicant to include new cross sections for
		groundwater flow direction in Phase One Conceptual

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		Site Model.
Phase 1 Report is to be completed as per O.Reg. 153/04 as amended	Pending	Final report to be completed to adhere to the
by O.Reg. 511/09.		requirements and latest amendment to the regulation.

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<b>Cole Engineering</b>
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(Peer Review by R.J. Burnside and Associates)		
Original Issue Identified by Review Agent(5)	Is the issue resolved?	Is the issue resolved? M Required Next Steps
Borehole logs are "draft", a Hydrological investigation undertaken was	Pending	Applicant to finalize borehole logs and provide
not referenced.		signatures on final report.
No sieve data was provided.	Pending	Applicant will provide pH results from borehole in final
		report.
Shallow groundwater divide was indicated in the Phase 1 ESA but	Pending	Figure in the final report will be updated to illustrate
ignored in Phase 2.		groundwater flow direction for the northwest portion
		of the Site.
Presence of a water course through the site was shown on Figure 2	Pending	Applicant will include this in the discussion in the final
but ignored in the rationalization.		submission.
Presence of fill identified in the 2011 borehole logs was not discussed.	Partially	Applicant to include a discussion on the subject in the
		final report.
Phase 2 Report is to be completed as per O.Reg. 153/04 as amended	Pending	Final report to be completed to adhere to the
by O.Reg. 511/09.		requirements and latest amendment to the regulation.
The reports need to be suitable to support a Record of Site Condition	Pending	Applicant to prepare Record of Site Condition.
for each parcel being developed		
The Town should be included as party that is able to rely on the Phase	Pending	Applicant to prepare final Phase 1 and 2 Reports.
1 and 2 reports.		

Original Issue Identified by Review Agent(s)
Additional information required on the interrelationship with the No Outstanding
proposed planning options for the Yonge Street Corridor Urban Growth



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Centre			
Revisions required to address design issues regarding private/public road connects, park and trail facilities, conformity with OP.	S	Outstanding	
Additional analysis of community facilities required.	No	Waiting on analysis.	а Ф
Additional information regarding the interrelationship between these lands and the remaining lands to the West.	No	Waiting on analysis.	
Additional information requested regarding proposed zoning standards for proposed uses	No	Outstanding	
Report to be updated to address outcomes of resolution of other issues and response to public comments as required.	No	Response to public comments recieved	
Environmental Impact Statement			
Original/Issue/Identified by Review Agent(s)	Is the jssue resolved?	Required Next Steps	
The application is within 50 metres of a Woodlot designated part of the Town's Natural Heritage System. We will require a scoped <i>Environmental Impact Study</i> that addresses the impact, if any, of the proposed development on the identified Woodlot. This is in keeping with the requirement outlined in the Town's Official Plan policy 9.0 and 9.2 Policy 9.2 states, "Development and site alteration are not permitted on lands adjacent to a Meadow, Woodlot	No	Waiting on report	188
		Page 8 of 15	

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	ent Services	Required Next Steps Requirements have been identified. School Board will notify the Town if they determine an alternate site location.	
	& Property Development Services	Istthe Issue resolved?       Required Next Steps         Yes       Requirements have been notify the Town if they de location.         3,       Incation.	
the ecological attributes and function(s) of the adjacent lands have been evaluated through an EIS and it has been demonstrated that there will be no negative impacts on natural features or ecological functions. Adjacent lands are considered to be those lands within 50 metres of a Meadow, Woodlot or Wetland. The requirements for an EIS are found in Section 9.4."	York Region District School Board, Planning & Pri	ong uld a oning annirr	

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100 - 10 h Thromaski, a Silvin and Silvin and and an and the Solving Andrew and and the Solving Contraction and the Solving Contraction of the So	ead end Yes Revisions to draft plan. Additional comments will be	provided once more details are known regarding the siting of structures and access roads for the	development proposed on the blocks on the plan.			v
	d Yes				51.	
	Original Issue Identified by Keview Agent(s) Criginal Issue Identified by Keview Agent(s) Central York Fire Services has advised that Street B is a long dead end	street A secondary emergency egress from Street B. Perhaps through Block 169 or 170 is required. A truck turning template on drawing for	an Aerial Fire vehicle is required to show maneuvering from Street B	both southbound and northbound onto Street C and along Street A	both southbound and northbound at 90 degree turns at Lots 34 and 51.	

# Functional Servicing Report by Cole Engineering Group

のないというないという On June 14, 2013 the LSRCA provided comment to Cole Engineering letter of response to the LSRCA's letter dated July 27, 2012. The bulk of the June 14, sister is the issue resolved? Required Next Steps 2013 comments were requests for further information from Cole (please consult LSRCA comment letter for further details) Outstanding Outstanding Outstanding Outstanding Outstanding No No No No 9N No The pond overflow should not be directed through the rear-yard of the conveyance capacity to accommodate the 100 year uncontrolled flow outlet #2. Available capacity for both outlets should be demonstrated Flow targets in Section 7.2 are to be based on more conservative pre-A rating table is to be developed for each existing facility based on a There does not appear to be any details with respect to the existing development flows. LSRCA requires some degree of over control for Demonstrations that the weir and receiving system has the current site survey to verify existing conditions/flows. proposed lots as noted for Pond 9. (Reviewed by LSRCA) overflow for any of the ponds. and discussed with the Town. from the facilities.



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Demonstrate impacts to Pond 4B should the connecting pipe to 4A be blocked.	No	Outstanding	
The permanent pool storage volume calculations must include external drainage areas or a separate pipe system can be provided from each facility.	No	Outstanding	
The forebay sizing calculations for Pond 4 do not appear to include calculations for the existing inlets. Further Pond 4 forebay appears to be quite close to one of the existing inlets.	No	Outstanding	
Demonstrate how the proposed ponds will be accessed for maintenance.	No	Outstanding	
Fig. 2-1 identifies proposed development on Street D however the report and storm drainage fig. 7-1 and 7-2 do not appear to address this area.	Yes	Resolved	
Report did not appear to address SWM requirements for the proposed lots 1-6 on Fig. 2-1.	No	Outstanding	
Proposed pond block figures are to include the following for further review: 1. Some spot elevations within the ponds, existing/proposed ROW and lots to demonstrate grading, overland flow and overflow routes. 2. Overflow outlet locations and flow routes with spot elevations.	ON	Outstanding	
Applicant is requested to submit a water balance.	No	Outstanding	
Hydrological Investigation by Cole Engineering Group	roup		·
(Reviewed by Genivar, on benaif of the LSKCA) A June 3 email by Sara Brockman of the LSRCA informed that the applicant has not provided any response to these comments/issues. There is still an issue of outstanding fees that needs to be addressed by the applicant.	nt has not provided any re	sponse to these comments/issues. There is still an issue	14
	Is the issue resolved?	is the issue resolved?	
The report does not include sufficient images to demonstrate future	No	Outstanding	1

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conditions and propose site alternations.

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The report does not demonstrate proposed future grades or potential	No	Outstanding	
changes to drainage catchments resulting from re-grading.			
The report does not illustrate where proposed development infrastructure may be placed below the water table, if necessary, and affect existing groundwater flow system or water balance.	NO	Outstanding	
The location of the main aquifer unit in Section 2.5 is inconsistent with the observations based on data presented in the borehole records and cross-sections. Additional work recommended.	NO	Outstanding	
Figure 9A is not supported by borehole information.	No	Outstanding	
Recommends that the interpretation of Figure 10 be revisited to take into account the surface water divide.	ON	Outstanding	
There is no discussion on how the proposed site development will affect vertical hydraulic gradients.	No	Outstanding	
Some inconsistency in values used for Table 4.	No	Outstanding	· .
Need confirmation on whether the groundwater values in Table 2 are compared to a standard for potable or non-potable.	No	Outstanding	
Section 2.5.4 does not provide justification for selective sampling of the monitoring wells to characterize groundwater conditions.	No	Outstanding	
Shallow groundwater samples do not illustrate whether there may be other potential contaminants in the groundwater flow system.	No	Outstanding	
The Water Balance summary in Section 4.0could use additional information to provide a better understand of potential changes to the water balance to be confident that the proposed mitigation will be effective.	No	Outstanding	
Sanitary Sub-Trunk System Hydraudic			
- - - -		7	'9
Subsequent to the IBI report there was some dialogue with Cole regardin Original Issue Identified by Review Agent(s)	ig it. IBI has not been prov	regarding it. IBI has not been provided a response by the applicant	2
re 0 70 I /s/ha	NO	Outstanding	

Page **12** of **15** Outstanding Infiltration I/I values from RVA Sanitary Sewer Study are 0.70 L/s/ha. It No



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is estimated that this would add approximately 30 L/s to peak flow determined by Cole.		
The RVA study is based on a storm during Sept 13, 2006 in which ,100mm fell. This storm should be considered further when discussing the monitored flow data that included storm events up to 48 mm.	No	Outstanding
The RVA Study indicated 30 basements were flooded in the above storm. It should be identified if those basements were within the Western sub-trunk or West Central trunk.	0 Z	Outstanding
The RVA study was based on spatial distribution of census data and non-residential land use. This should be considered in the Cole report.	No	Outstanding
No comment was given by Cole Engineering on the impact of increased flow on the MH704 to MH727 section of the Town sewer.	No	Outstanding
There is a need to undertake an up-to-date analysis of the sewer system, to determine surcharging levels and any needed remedial works to accommodate development. This is to be carried out by Cole.	No	Outstanding
Analysis of the West sub-trunk should take into account all proposed and possible future development within this sewershed.	No	Outstanding
Region of York – Preliminary Comments		
The Region has not been provided a formal response letter to date on the this year to discuss transportation matters.	e matters provided below.	e on the matters provided below. Robert Patridge had met with Cole Engineering earlier
Original Issue Identified by Review Agent(s) OPA Comments	Is the issue resolved?	Required Next Steps
Should the ToN adopt the OPA and draft approval of DPoS, the Region of York requests the DPoS be subject to the attached Schedule of Pre- Considerations and Schedule of Conditions.	To be dealt as conditions of approval	

Newmarket





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Water Resources			
All development the subject property should adhere to the Wellhead Protection Policies outlined in Section 7.3.39 and 7.3.45 of the YOP.	No	Outstanding	
Should "de-watering" be required, York recommends a dewatering plan be prepared by a qualified professional.	Pending	Outstanding	1745. 
Detailed Subdivision Comments			
Trips rates are approximately 40% lower than those published in the ITE Trip Generation Manual and approximately 8% lower than those applied to the proposed apartment use in the same study area. Region requires clarification.	0 Z	A conversation with Robert Partridge on June 5, 2013 informed that the Region will be providing an additional comment to the applicant. The comment will address the Region's requirement to align their proposed access road ("Street B") with the future minor collector proposed in Schedule C of the Town OP north west of Eagle and Davis. Mr. Partridge is to provide this requirement in writing in the near future.	
Further information required regarding modal split for senior living, office commercial and retail commercial uses.	No	Outstanding	
Consideration should be taken to assess a longer term study horizon year given the resulted trip generation estimates.	No	Outstanding	
Trip distribution shall be specific to each type of land uses.	No	Outstanding	
A summary of the queuing analysis under the future total traffic conditions shall be included to assess whether estimated queuing lengths for critical movements can be accommodated within available storage length and/or spacing at the signalized intersections.	OZ	Outstanding	-19
The TDM program must include the additional measures listed by the Region as per Condition No. 7 for final approval.	No	Outstanding	4

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Proposed water system based on servicing from Newmarket West pressure district is not acceptable. Subject lands are to be serviced by Newmarket Central pressure district, unless demonstrated that this is not possible.	No	Outstanding	-J
Local area municipality must grant servicing capacity allocation to the development, within the limit of the Region's capacity.	No	Outstanding	
Staff request that all residential lands be subject to various restrictions No (i.e. Holding "H" zone) to ensure that the water and wastewater are available prior to occupancy.	No	Outstanding	



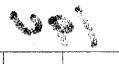








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Community Services/Planning & Building Services Report 2013-47 October 15, 2013 Page 28 of 28

Appendix 5

#### **Community Comments Matrix**

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Planning Comments

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	Applicant's Comments	We have provided a fulsome Planning Justification Report through our Planner in support of the applications. It is under review a part of the development process. We have met with us on the basis of discussing ther issues. To date, none of the persons who made a development groups who have agreed to meet with us on the basis of discussing ther issues. To date, none of the persons who made a preconsultation meeting with respect to the proposed amended unsucessful. We have had a preconsultation meeting with respect to the proposed amended site Plan for the 9-hole golf course with Newmarket Staff.
-	Summary of Issues	<ul> <li>419 Crossland Gate, L3X187; 426 Keith Birmson Direc, L3X171; 138 Default Cutt, L3X15; 138 Default Cutt, L3X15; 138 Default Cutt, L3X15; 138 Default Cutt, L3X15; 236 Jihn Bowen Cressent, L3X17; 217 Devers Cressent, L3X17; 217 Devers Cressent, L3X17; 217 Devers Cressent, L3X17; 251 Alex Doner Dire, L3X16; 257 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X17; 250 Kiny Cressent, L3X17; 250 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X16; 250 Kiny Cressent, L3X16; 250 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X17; 251 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X16; 257 Kiny Cressent, L3X18; 27 Kiny Cressent, Cressland Gate, L3X16; 257 Kiny Cressland Gate, L3X16; 259 Alex Doner Dire, L3X16; 250 Compared Is Cressland Gate, L3X16; 250 Birns Alex Doner Dire, L3X16; 270 Cressland Gate, L3X16; 270 Cressland Cate, L3X16; 270 Cressland Gate, L3X16; 270 Cressland Cat</li></ul>
	Address	<ul> <li>419 Crossland Gate, L3X1B9; 276</li> <li>Brinson Dive, L3X119; 188 Brammar</li> <li>Street, L3X1719; 188 Brammar</li> <li>Street, L3Y174; 413 Borland Court, L3X1E4; 559 Bins Avenue, L3X171; 185 Crossland Court, L3X171; 185 John Bowser Crescent, L3X171; 28 John Bowser Crescent, L3X171; 28 John Bowser Crescent, L3X171; 291 Alex Doner Drive, L3X171; 297 Kirby Crescent, L3X111; 291 Alex Doner Drive, L3X111; 291 Alex Doner Drive, L3X111; 291 Alex Doner Drive, L3X111; 291 Alex Doner Drive, L3X119; 207 Crossland Gate; 276 Alex Doner Drive, L3X166; 195 Glenway</li> <li>Crossland Gate, L3X166; 276 Alex Doner Drive, L3X161; 299 Alex Doner Drive, L3X161; 299 Alex Doner Drive, L3X161; 299 Alex Doner Drive, L3X165; 310 Alex Doner Drive, L3X165; 310 Alex Doner Drive, L3X165; 310 Alex</li> <li>Crossland Gate, L3X181; 299 Alex</li> <li>Crossland Gate, L3X181; 299 Alex</li> <li>Crossland Gate, L3X161; 299 Alex</li> <li>Crossland Gate, L3X175; 64</li> <li>Glenway Circle, L3X15; 91 Otton</li> <li>Crossland Gate, L3X181; 391 Otton</li> </ul>

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Applicant's Comments			Discussions with the York Region District School Board (YRDSB) are ongoing. Parks and green space component of the proposal are under review.	Unclear.	Previous golf course has been closed since December 2011, new golf course is subject to additional planning approvals.	Planning Act permits landowners to apply for redevelopment. Ments or development will now be decided by the OMB. Town, Region and local residents are entitled to be heard at that hearing.	Parks and green space component of the proposal are under review.	Draft plan is currently under review.	Technical reports including the Planning Justification Report in support of the application are currently under review.	Buffers will form part of the landscape planning review. No portion of the lands proposed for development within this planning application are within the	ORM. We have had no comment on this application from healthcare sector regarding this matter. The	Provincial Policy Statement and the York Region Official Plan provide policy direction on affordable housing and this development will address those policy directions.	Parks and green space component of the proposal are under review.	Applicant has indicated his intention to proceed with a 9-more course and has had us journal preconsultation meeting with Newmarket Staff.
Summary of Issues	minimal and transigent	<ol> <li>development is not required to meet growth targets, 2) social impacts on potential new school</li> </ol>	<ol> <li>concerned with impact on the schools with the influx in children from new development 2) reduction of areen space</li> </ol>	1) development build out not factored into Secondary Plan	1) loss of Goff Course social implication	<ol> <li>Town Official Plan and Zoning By-law should not be amended to allow proposed development</li> </ol>	1) loss of green space	<ol> <li>in the buffer in proposed plan 2) loss of privacy 3) loss of green space 4) loss sense of community</li> </ol>	<ol> <li>Growth target can be met without Glenway 2) reduction of green space which is needed for present and future pop. 3) high rise apartments, high density town houses, commercial area destroy existing mature neighourhood, 4) use of existing services (water, hydro, roads, schools, parks and reot create burden on existing residents</li> </ol>	1) toss of community feeling and lifestyle 2) loss of privacy - no buffer	<ol> <li>parts of Glenway are located within the Oak Ridges Moraine 201 Town requires affordable housing - does this development provide</li> </ol>	affordable housing 3) can the hospitals/EMS/health care sector accommodate this growth	<ol> <li>loss of green space impacting quality of life</li> </ol>	1) commitment to golf course unclear
Address	378 Alex Doner, L3X1ET;383 Binnis Ave, L3X117;425 Mathews Cit, L3X102;155 Glenway Circle, L3X133;317 Pethoram Pi, L3Y13;167 Glenway Clr, L3Y18;216 Rhodes Circle, L3X13;157 Clenway Clr, L3X18;216 Rhodes Circle, L3X13;235 Falnway Garden, L3X142;431 Mathews Crt;355 Binns Ave, L3X17;216 Rhodes Cir, L3X18;337 Alex Doner Drive;223 Crossland Gate, L3X 183;315 Kirby Crescent, L3X17;167 Glenway Crescent, L3X17;167 Glenway Crescent, L3X17;167 Glenway Crescent, L3X17;167 Glenway Crescent, L3X17;1470 Alex Doner Drive, L3X17;1470 Alex Doner Drive, L3X17;1470 Alex Doner Drive, L3X17;1470 Alex Doner Drive, L3X17;1471 Alex Alennay Circle, L3Y75;273 Kirby Crescent, L3X1145;29 Falrway Garden, L3X1145;29 Falrway Garden, L3X1145;29 Falrway Garden, L3X1145;29 Kirby Crescent, L3X1145;29 Firby Crescent, L3X1145;29 Firby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby Crescent, L3X1145;29 Kirby		5	37771			115 Glenway Circle, L3Y7S3; 306 Crossland; 318 Crossland Gate, L3X1B2; 415 Crossland Gate, 199 Glenway Circle, L3Y7S6; 95 Burling Place, 147 Glenway Circle, L3Y7S3; A2 Desvers Cressent 1 3Y71;		164		56 Peevers Crescent, L3Y7T11)	56 Peevers Crescent, L3Y7T11}		1X1T7

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Applicant's Comments	Discussions with the York Region Di Planning Justification Report was su space component of the proposal ar			A fullsome Planning Justification Report was submitted in support of the application. Official	info to be			Official Plan Amendment has been submitted. Parks and green space component of the proposal are under review. No portion of the lands proposed for development within this planning application are within the ORM. A fullsome Planning Justification Report was submitted in support of the application	1	A fullsome Planning Justification Report was submitted in support of the application. Parks and green space component of the proposal are under review.	Official Plan Amendment has been submitted. A fullsome Planning Justification Report was submitted in support of the application, Parks and green space component of the proposal are inner review.	730	A fullsome Planning Justification Report was submitted in support of the application	Official Plan Amendment has been submitted. A tullsome Planning Justification Report was submitted in support of the application Parks and green space component of the proposal are under review.	Official Plan Amendment has been submitted A fullsome Planning Justification Report was submitted in support of the application Parks and green space component of the proposal are under review.			A tuissome Planning Justitication Report was submitted in support of the application A fullsome Planning Justification Report was submitted in support of the application - Official Plan Amendment has been submitted in support of the application - Official	A fullsome Planning Justification Report was submitted in support of the application	Discussions with the York Region District School Board (YRUSB) are ongoing, constructive input from residents was carefully considered.	Discussions with the York Region District School Board (YRDSB) are ongoing.	Discussions with the York Region District School Board (YRDSB) are ongoing, constructive input from residents was carefully considered.	A fulisome Planning Justification Heport was submitted in support of the application. Utilicati Plan and Zoning By-Law Amendments have been submitted.
Summary of Issues	<ol> <li>regative impact on quality of life, 2) removal of green space, 3) new schools will needed to be built to accommodate growth, 4) no builder should be able to amend the Town's "Growth Act"</li> </ol>	<ol> <li>development not needed to meet Town's growth requirements, 2) quality of life will be negatively impacted</li> </ol>	<ol> <li>no justification from a planning perspective for any development to take place</li> </ol>	<ol> <li>development does not conform to the Town's Official Plan's designation of the lands</li> </ol>	<ol> <li>development does not conform with Town's Official Plan designation as Open Space, 2) Town's growth targets can be achieved without this development;3) application did not provide information on setbacks separating housing for Blocks 169 and 170</li> </ol>	<ol> <li>housing density proposed is poorly conceived and will lead to increase in the need for additional schools</li> </ol>	<ol> <li>development is in opposition to Official Plan's designation of the area, 2) loss of parkland, 3) development on the Moraine is not allowed, 4) the development is not required to meet the Town's growth targets, 5) premium was paid to live near green space</li> </ol>	<ol> <li>development is in opposition to Official Plan's designation of the area, 2) loss of parkiand without adequate compensation</li> </ol>	<ol> <li>negative impact to neighbourhood character</li> </ol>	<ol> <li>proposal is contrary to OP, 2) Town is already underserved per capita in green space</li> </ol>	<ol> <li>proposal is contrary to by-iaw and OP which protect green space in Glenway</li> </ol>	1)What is the maximum number of units in the development?	<ol> <li>negative impact to neighbourhood character</li> </ol>	1)proposal is contrary to OP, 2) Town is already underserved per capita in green space		[1) Planning Act fails to recognize the issue of compensation in this type of development application. Residents should have right to compensation and proper hearing; Newmarket dismissed a request from the community to have oversight on the planning application which is a failure of the Planning Act, Town of Newmarket has not been transparent with the public about this application.	<ol> <li>I)homes proposed are not keeping with the homes in the community (single family vs townhomes, semi, apts.), 2) safety of homes being built</li> </ol>	so close to the hydro towers. 1) "it is contrary to the existing plan for newmarket"	<ol> <li>Intensity of devt. 2) backyard view ruined</li> </ol>	<ol> <li>concerned about strain on local schools, 2) did not use the input from residents</li> </ol>	1) strain on local schools	<ol> <li>ruin their view of the golf course, 2) strain on schools, 3) not enough input from residents</li> </ol>	1) Intensity of devit 2) rezoning of 'open space'
Address	352 Crossland Gate, L3X1B3	410 Bortand Court, L3X1E4	427 Mathews Court	207 Glenway Circle, L3Y7S6	315 John Bowser Crescent, L3Y7P3	275 Crossland Gate, L3X1B1	367 Otton Road, L3X1E5	151 Glenway Circle	358 Otton Road, L3X1G2	346 Otton Rd, L3X 1G1	176. John Bowser Cr.   3V7N5	351 Kirby Cres., L3X1G8	358 Otton Road, L3X1G2	346 Otton Rd, L3X 1G1	176 John Bowser Cr, L3Y7N5	ast Rinns Ave 13X117		200 Crossland Gate, L3X1A6 411 Borland Court, L3X1E4	343 Fairway Garden, L3X1B4; 328 Crossland Gate, L31B2 (2 lefters)	477 Alex Doner Drive (2 letters)	335 Fairway Garden, L3X1B4	352 Crossland Gate, L3X1B3	470 Alex Doner Drive, L3X1C2

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Applicant's Comments	No comment.	Discussions with the York Region District School Board (YRDSR) are onnoinn	A fullsome Planning Justification Report was submitted in support of the application	Discussions with the York Region District School Board (YRDSB) are oncoing.	A fullsome Planning Justification Report was submitted in support of the annihilation.	A fullsome Planning Justification Report was submitted in support of the application.		The draft plan is currently under review and may be modified to deal with connectivity.	A fullsome Planning Justification Report was submitted in support of the application	No comment.	No comment.
Summary of Issues	<ol> <li>opposed to any form of residential or commercial devt in Glenway, 2)existing schools do not have the capacity required to absorb this devt 3) wants area to remain greenspace</li> </ol>	<ol> <li>not enough consideration has been given to the impact on school capacity</li> </ol>	1) density targets have already been met by the Town	1) concerned with school capacity as a result of development	1) growth targets are already being met, 2) goes beyond a typical intill dev <sup>t</sup> , 3) goes way beyond what is allowable under the Official Plan	<ol> <li>Tuins the view of the golf course in their back yard, 2) concerned about what the intensification will do to the 'peaceful community'</li> </ol>	1) does not support any "new subdivisions"	1) recommends reducing the # of townhouses and replacing them with one additional condo tower, 2) the # of townhouses offered is extensive - consideration should be given to 'executive townhouses' with high quality design to better if the neighbourhood, 3) all proposed single-detached dwellings should be given consideration with respect to quality building materials and overall housing design as lower standard of materials will detact from the existing neighbourhood, 4) there is a lack of satisfactory predestrian connectivity which leaves some areas isolated, 5) does not see a need for the requested elementary school as a nearby school is currently under-enrolled	<ol> <li>If feel that the devt of apartment and condominium dwellings will increase the density in the area to unacceptable levels</li> </ol>	1)heritage land must be preserved	1)town's OP preserves the green space in Newmarket
Address	339 Kirby Crescent, L3X1H2	Not available	52 Peevers Crescent, L3Y7T1	147 Glenway Circle, L3Y7S3	312 Crossland Gate, L3X1B2	John Bower Crescent	319 Kirby Crescent, L3X1H2	419 Binns Avenue, L3X1T7	368 Kirby Crescent	Gorham St	212 Brammar St, L3Y7S9

### Noise Comments

Address	Summary or issues	Applicant's Comments
	[1] buildings along hwy 9 are to be designed not to be able to open their	[All required technical reports were submitted as part of the complete application and are subject
	windows to prevent negative noise impacts	to ongoing review by the agencies having jurisdiction.
148 Brammar 1 3V7T3	f hievelonment will imnart sense of rujiet	All required technical reports were submitted as part of the complete application and are subject
		to ongoing review by the agencies having jurisdiction.
116 Clonway Circle 1 3V7C3	11 noise	All required technical reports were submitted as part of the complete application and are subject
		to ongoing review by the agencies having jurisdiction.
200 Crossland Gate 1 3Y1 &R	<ol> <li>Inoise and dirt from construction of homes will negatively impact an</li> </ol>	All required technical reports were submitted as part of the complete application and are subject
בעט טוטאומווח ממוצ, בטעואט	already established neighbourhood	to ongoing review by the agencies having jurisdiction.

### Tree Comments

Tree Comments		
Address	Summary of Issues	Applicant's Comments
N/A	1)area contains heritage woodlots, important wildlife	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
267 Crossland Gate, L3X1B1	1) 70 ft tree planted in backyard will be removed if development happens	All required technical reports were submitted as part of the complete application and are subject to orgoing review by the agencies having jurisdiction.
175 John Bowser Cres	1)loss of mature trees and sense of natural character of Town	1Ail required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
203 Crossland Gate, L3X1B1	1)removal of 40 to 50 toot mature trees behind the 2nd green of the golf course would reduce privacy in our backyard.	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.

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Address	Summary of Issues	Applicant's Comments
155 Glenway Circle, L3Y7B3		All required technical reports were submitted as part of the complete application and are subject
	1) will all trees be protected?	to ongoing review by the agencies having jurisdiction.

# Parks & Rec Comments

Address	Summary of Issues	Applicant's Comments
410 Mathews Court, L3X1C7	1)protection by Town of green space of Gienway from inception until now   Parks and green spaces throughout the plan under review.	Parks and green spaces throughout the plan under review.
	<ol> <li>destruction of natural green space for parklands</li> </ol>	Parks and green spaces throughout the plan under review.
175 John Bowser Cres	1)loss of more heritage green space in Town for recreation	Parks and green spaces throughout the plan under review.
351 Binns Ave. 1 3X1T7	1) the history on the protection of the green space of Glenway should have	
	bearing on this application	Parks and green spaces throughout the plan under review.
	11) what steps has the Town taken to protect the green space of the	
199 John Bowser Cr, L3Y7N6	Glenway property from the initial time this property was developed to the	
	current date?	Parks and green spaces throughout the plan under review.
334 Crossland Gate, L3X1B3	1) concern over loss of local parkland	Parks and green spaces throughout the plan under review.
470 Alay Denar Drive 1 3 Y 1 Co	1) do not like the size of the park being proposed, 2) concerned that the	
	greenspace of the golf course is being taken away	Parks and green spaces throughout the plan under review.
	<ol> <li>Consideration should be given to an intensive rear yard planting</li> </ol>	
	program to ease concerns about the loss of greenspace, 2) 1 additional	
	park should be considered which attempts to incorporate the new	
419 Binns Avenue, L3X1T7	community within the existing - Perhaps on the west side of Street "B"	Parks and green spaces throughout the plan under review.

# Functional Servicing Comments

Address	Summary of Issues	Applicant's Comments
318 Alex Doner Drive, L3X 1G4	<ol> <li>use of existing services (water, hydro, roads, schools, parks and rec) create burden on existing residents</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having juriscliction.
315 John Bowser Crescent, L3Y7P3	Timproperty planned stomwater management may cause flooding to their property	315 John Bowser Crescent, L3Y7P3 Tymproperty planned stormwater management may cause flooding to their Ali required fechnical reports were submitted as part of the complete application and are subject to be applied by the agencies having jurisdiction.
415 Crossland Gate	1)development to increase stress on current services	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
Not Available	1)development will put extra strain on sewer and water infrastructure	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
335 Fairway Garden, L3X1B4	1)local infrastructure not designed to handle the added users	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
52 Peevers Crescent, L3Y7T1	Tyconcerned about the strain the added dev't will put on existing infrastructure	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
147 Glenway Circle, L3Y7S3	Tipconcerned that the 3rd hole Stormwater Management Pond, which is already insufficient in dealing with excess water, will have this issue exacerbated by the dev <sup>t</sup>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurtsdiction.
Traffic Comments		
Address	Summary of Issues	Applicant's Comments

### Traffic Comments

Applicant's Comments	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
Summary of Issues	)traffic on Eagle to increase
Address	419 Alex Doner Drive

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Address	Summary of Issues	Applicant's Comments
148 Brammar, L3Y7T3	1) traffic increase impact on safety and congestion	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
56 Peevers Crescent, L3Y7T1	1) Itraffic congestion around Peevers	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
331 John Bowser Crescent, L3Y7P3	<ol> <li>development will lead to increase traffic congestion particularly between Yonge and Davis. 2) Traffic Report does not provide accurate description of current traffic volumes, 3) bus traffic should be reduced along Eagle Street</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurtsdiction.
115 Glenway Circle, L3Y7S3	1) general traffic concern	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
207 John Bowser Crescent	1)traffic congestion	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
56 Peevers Crescent, L3Y7T11)	<ol> <li>Crossland Gates will become more dangerous intersection, 2)Eagle could not handle another road between Pervis and Millard</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
352 Crossland Gate, L3X1B3	1)increased traffic congestion	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
315 John Bowser Crescent, L3Y7P3	<ol> <li>increased congestion around Davis and Yonge a cause for safety concerns</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
275 Crossland Gate, L3X1B1	<ol> <li>housing density proposed is poorly conceived and will lead to increase in traffic congestion</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
176 Brammar Street, L3Y7T4	1)increased congestion on Yonge Street between Eagle and Dawson	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
415 Crossland Gate	1)increase traffic congestion.	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
151 Glenway Circle	1) greater traffic congestion 2) hard to make left hand turn from Glenway Circle or John Bowser to Eagle Street 3) contruction periods will add harships such as traffic congestion and noise	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having junsdiction.
N/A	1)increased car volumes on roads creating more congestion	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
267 Crossland Gate, L3X1B1	1)more gridlock on Yonge St making it difficult to back out of driveway	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
486 Alex Doner Dr, L3X1C2	<ol> <li>Thincreased amount of traffic congestions in Newmarket negatively affecting community</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
71 Peevers Cr, L3Y7T2		All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
175 John Bowser Cres	11 Jincreased congestion along Yonge St, Davis Dr, Greenlane during rush hour causing increased delayed wait times for fire, ambulance & police services	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
203 Crossland Gate, L3X1B1	sed cangestion on Crc	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having junisdiction.
203 Crossland Gate, L3X1B1	<ol> <li>Dincreased congestion on Crossland Gate which is main arterial road in Glenway, exacerbated by traffic flow from other arterials</li> </ol>	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurtsdiction.
200 Crossland Gate, L3X1A6	1)increased traffic on Crossland Gate and in our community	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
279 John Bowser Cr, L3Y7N9	1)increased traffic will make turning out of John Bowser and onto Eagle	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
60 Peevers Cr, L3Y7T1	1)increase traffic congestion on already congested streets	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
155 Glenway Circle, L3Y7B3	1)increase traffic congestion on already congested streets	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
424 Mathews Crt, L3X1C8	1)developments in Glerway and MacGregor will cause much more congestion on existing roads; traffic study on Bathurst between Sykes and Davis in Sept 2012 was flawed because the traffic counter dign't include the central turning lane which receives plenty of traffic during rush hour.	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
278 Glenway Circle, L3Y7S7	<ol> <li>development will create more trainic on Eagle and maxing screets intuin more dangerous to cross and congested.</li> </ol>	All required response were summined as part of the complete approximation and a support to ongoing review by the agencies having jurisdiction.
148 Brammar St, L3Y7T3	1)development may create 1400 additional vehicles on the surrounding roads which are already congested.	All required technical repuis were sourninged as part of the complete approximate we conjugation on the agencies having justication. All the complete sources that are subject at the complete sources that are sources t
477 Alex Doner Drive	1) concerned about traffic it will cause	Au required requires were submitted as particulation.





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Address	Summary of Issues	Applicant's Comments	
477 Alex Doner Drive	1) concerned about traffic it will cause	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	
335 Fairway Garden, L3X1B4	1)increased traffic	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	
352 Crossland Gate, L3X1B3	1) construction will cause traffic, 2) traffic along Yonge St will increse	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	1940; 1
334 Crossland Gate, L3X1B3	1) concern about traffic congestion	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	
142 Rhodes Circle	<ol> <li>concludes that the data provided in the TIS shows that the traffic impact will be unsustainable and unacceptable</li> </ol>	shows that the traffic impact [All required technical reports were submitted as part of the complete application and are subject [to ongoing review by the agencies having jurisdiction.]	
339 Kirby Crescent, L3X1H2	1)concern over increase in traffic	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	100 A
	1) not satisfied with answers given at the Public meeting regarding how the increased traffic will be dealt with	c meeting regarding how the All required technical reports were submitted as part of the complete application and are subject to meeting review by the agencies having jurisdiction.	Ā
147 Glenway Circle, L3Y7S3	1)concerned with increased traffic as a result of dev't	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	1999 (A. 1997) 1996 (A. 1997) 1996 (A. 1997)
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## Environmental Comments

71 Peevers Cr   3Y7T2 [1] more		
	()more pollution created; loss of green space	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
1)there be imp 203 Crossland Gate, L3X1B1 excave and care Lavel (water)	Tythere are underground springs throughout the Glenway lands which will be impacted by development; changes to underground water flow through excavations for roads or homes could redirect water flow to our property and cause flooding, more water restrictions may occur if evailability of water to residents of Newmarket is decreased due to further development.	throughout the Glenway lands which will anges to underground water flow through could redirect water flow to our property restrictions may occur if availability of a decreased due to further development to ongoing review by the agencies having jurisdiction.
200 Crossland Gate, L3X1A6 2)wate comm	1)displacement of wild life living on the golf course and in the green space, 2)water table may be impacted by construction causing floods in the community (sump pumps in neighbouring homes are going off daily)	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
155 Glenway Circle, L3Y7B3 floodir		All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
335 Fairway Garden, L3X1B4 [1) air o	<ol> <li>air quality and dust resulting from construction, 2) there will be too much groundwater and the pumps will create noise</li> </ol>	rom construction, 2) there will be too much All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
352 Crossland Gate, L3X1B3 [1) constru	ction will cause air pol	lution, 2) Trees and wildlife habitats will be [Ail required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
470 Alex Doner Drive, L3X1C2 1) con	1) concerned with the destruction of wildlife and forest land	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
52 Peevers Crescent, L3Y7T1 1)deve	Tydevelopment is within 50m of existing woodlot and would negatively Impact the Natural Heritage System	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
56 Peevers Crescent, L3Y7T11) 1) loss	1) loss of green space impacting quality of life, 2) impact a wildlife corridor	guaiity of life, 2) impact a wildlife corridor All required technical reports were submitted as part of the complete application and are subject to unaity of life, 2) impact a wildlife corridor to ongoing review by the agencies having jurisdiction.

Comments	
Other (	

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Applicant's Comments	This is not an established and recognized land use planning consideration.	No comment	Development Charges Act provides the rules by which new growth pays its fair share. This development will abide by the Development Charges Act and any valid development charge by-laws.	No comment.	1	No comment.		See earlier comments respecting schools. This development will pay its fair share of taxes and development charges	No comment		See earlier comments on financial issues. Comments from the public have never been	supressed by the developer and all such comments are being reviewed and considered.	This is not an established and recognized land use planning consideration.	This is not an established and recognized land use planning consideration.	Land use planning goals and objectives progress and improve over time. Developer has excercised its valid rights to apply for permission to develop the lands. The merits of that development will be determined at the OMB hearing.	Construction Management Plan to be prepared (and approved by Town); community input to be sought.	No comment.
Summary of Issues	1) loss of property value	1) paid for premium lot	1) not clear as to why there is no impact on the budget 3) who will pay for new infrastructure needed?	315 John Bowser Crescent, L3Y7P3 [1] paid a premium to back onto the golf course.	1) a premium was paid to back onto green space and a pond. Don't want a house backing our property and the loss of property value due to loss of oreen space.	1)recommendation for a Glenway defence fund be set up by the Town	<ol> <li>opposed to any form of residential or commercial devt in Glerway, 2 concern over tax hike due to increased demand for infrastructure and mun.</li> </ol>	osorb	<ol> <li>wants the Town of Newmarket to have a referendum for affected residents</li> </ol>	1) loss of of hramitime 3) fair componention from doublood 3) had af		Involvement to oppose application	<ol> <li>I)loss of green space and higher densities in the area will decrease the value of our property</li> </ol>	1) concerned that loss of parkiand will result in loss of property values	<ol> <li>developer should honour the original agreement between the golf course and the residents</li> </ol>	1) construction will cause noise and mess	<ol> <li>costing the Town and taxpayers too much to go through the planning process</li> </ol>
Address	318 Alex Doner Drive, L3X 1G4	211 John Bowser Crescent	391 Binns Avenue, L3X1T7	315 John Bowser Crescent, L3Y7P3	370 Otton Rd, L3X1E4	120 Glenway Circle, L3Y7C2	339 Kirby Orescent 13X1H2		273 Alex Doner, L3X1H4		71 Peevers Cr, L3Y7T2		60 Peevers Cr, L3Y7T1	247 Gross Land Gate, L3X1B1	352 Crossland Gate, L3X1B3	318 Crossland Gate, L3X1B2	312 Crossland Gate, L3X1B2

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From: Glenway Community Group [mailto:contact@glenwaycommunitygroup.com] Sent: Saturday, October 19, 2013 1:48 PM To: Brouwer, Andrew Cc: Mayor Van Bynen; Taylor, John; Kerwin, Dave; Twinney, Jane; Hempen, Tom; Sponga, Joe; Di Muccio, Maddie; Emanuel, Chris; Clerks; <u>attorneygeneral@ontario.ca</u>

Subject: Written Submission - Glenway Golf Course - Development Application - Intent of By-laws and Official Plan

Please ensure my written submission correspondence be specifically included in an upcoming agenda packaged for Council, Committee of the Whole and other committees involved in the Glenway development application.

I recommend the Town of Newmarket clearly state the intent of the by-laws and Official Plan applicable to the Glenway golf course property. (attached intent of bylaws and official plan i.e.)

This information should be communicated to the residents to ensure there are no surprises on what the intent for the permitted uses of this property are. It appears elected officials are taking the position of defending the Official Plan; it should be clear what that actually means. Behind the by-laws and Official Plan it should be made clear how the areas of the Glenway golf course are classified and how they can be used. There is a trail of important history starting from the development agreement and several changes to the by-laws over the years and the Official Plan. A clear chronological listing of the approved uses for this property (by specific sections of the property) should be prepared. The recent Comprehensive By-laws changes in 2010 will be of surprise to residents and this should be shown to explain how the use of this property was changed and why the developer is appealing the changes prior to the development application. **All by-laws** should be accounted for and explained.

As this development application is being processed it is critical that this issue be addressed. As you should be aware; the OMB ruling of a development should be and can be appealed to Ontario Courts. (attached case law "city of Toronto appeal). The bases for the appeal will be "error in law". The reasonableness of the proposed changes to the by-laws and Official Plan and the intent of the by-law and Official Plan will be the bases of the appeal under "error of law". See attached appeal of OMB ruling by City of Toronto to demonstrate that this is possible.

The proposed development application for intensification of the open-space of the Glenway property is not the intent for the Glenway property and proposed changes are unreasonable (any residential development is not the intent and therefore unreasonable). The Courts are not concerned about the Province's mandated growth targets, proximity to the Go Station or the developer's plans for our community, but will be interested in; the intent for this property by the Municipality vs. OMB interpretation, reasonableness of this application and the consequences it will have on the community and the residents. It is imperative that the intent for these properties as outlined in by-laws and the Official Plan be clearly communicated to residents.

The Town of Newmarket objected to my Aug 7<sup>th</sup> 2013 request for "party status" at the OMB hearings (attached request – OMB report - granted "participant status"). This decision prevented a strategy for residents to have the right to appeal the OMB decision to the Courts. My appearance as a resident and on behalf of residents at the OMB has been misstated as a compensation argument for residents (attached OMB report page 3). Compensation was one of the issues to demonstrate the OMB's lack of jurisdiction in the matter of compensation, but not the sole issue. The key issue was the right to appeal to the Courts. Given the actions by The Town of Newmarket, you should insure the OMB decision (if a development is approved) is appealed to the Courts. As the Town has contributed to preventing a resident from gaining Party status to have the right to appeal the OMB ruling; it would be negligent if the Town did not assume this role and responsibility as a strategy to defend the by-laws and Official Plan on behalf of the interests of the Glenway residents. I recommend the approval by Council for the funding of this appeal by the Town of Newmarket before the cost of the OMB are incurred and additional consulting fees on the application file. You should ensure there is funding for the Court appeal and put this strategy in place immediately.

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The community in general is not aware of the importance of this strategy as the Town of Newmarket is reluctant to support it as demonstrated by the rejection of OMB party status for residents. The OMB is not the appropriate decision maker for this type of file given the impact to the community. The Courts will act in the best interest of the residents while the OMB has mandates which are in conflict with residents and the OMB will not recognize damages or compensation for residents.

We all know this proposed development application is unreasonable and not the intent for this community.

The Town of Newmarket should manage this application with a clear strategy to appeal to the Courts. The residents should be made aware of any issues in the defence of the intent of the by-laws and Official Plan in regards to the Glenway property. The attention of residents should not be in the process to proceeding with development but to understand how the Town is/will defend the intent of the by-laws and Official Plan.

Regards,

Jeff Brown Glenway Community Group From: Glenway Community Group [mailto:contact@glenwaycommunitygroup.com]
Sent: Saturday, October 19, 2013 1:48 PM
To: Brouwer, Andrew
Cc: Mayor Van Bynen; Taylor, John; Kerwin, Dave; Twinney, Jane; Hempen, Tom; Sponga, Joe; Di Muccio, Maddie; Emanuel, Chris; Clerks; attorneygeneral@ontario.ca
Subject: Written Submission - Glenway Golf Course - Development Application - Intent of By-laws and Official Plan

Please ensure my written submission correspondence be specifically included in an upcoming agenda packaged for Council, Committee of the Whole and other committees involved in the Glenway development application.

I recommend the Town of Newmarket clearly state the intent of the by-laws and Official Plan applicable to the Glenway golf course property. (attached intent of bylaws and official plan i.e.)

This information should be communicated to the residents to ensure there are no surprises on what the intent for the permitted uses of this property are. It appears elected officials are taking the position of defending the Official Plan; it should be clear what that actually means. Behind the by-laws and Official Plan it should be made clear how the areas of the Glenway golf course are classified and how they can be used. There is a trail of important history starting from the development agreement and several changes to the by-laws over the years and the Official Plan. A clear chronological listing of the approved uses for this property (by specific sections of the property) should be prepared. The recent Comprehensive By-laws changes in 2010 will be of surprise to residents and this should be shown to explain how the use of this property was changed and why the developer is appealing the changes prior to the development application. All by-laws should be accounted for and explained.

As this development application is being processed it is critical that this issue be addressed. As you should be aware; the OMB ruling of a development should be and can be appealed to Ontario Courts. (attached case law "city of Toronto appeal). The bases for the appeal will be "error in law". The reasonableness of the proposed changes to the by-laws and Official Plan and the intent of the by-law and Official Plan will be the bases of the appeal under "error of law". See attached appeal of OMB ruling by City of Toronto to demonstrate that this is possible.

The proposed development application for intensification of the open-space of the Glenway property is not the intent for the Glenway property and proposed changes are unreasonable (any residential development is not the intent and therefore unreasonable). The Courts are not concerned about the Province's mandated growth targets, proximity to the Go Station or the developer's plans for our community, but will be interested in; the intent for this property by the Municipality vs. OMB interpretation, reasonableness of this application and the consequences it will have on the community and the residents. It is imperative that the intent for these properties as outlined in by-laws and the Official Plan be clearly communicated to residents.

The Town of Newmarket objected to my Aug 7<sup>th</sup> 2013 request for "party status" at the OMB hearings (attached request – OMB report - granted "participant status"). This decision prevented a strategy for residents to have the right to appeal the OMB decision to the Courts. My appearance as a resident and on behalf of residents at the OMB has been misstated as a compensation argument for residents (attached OMB report page 3). Compensation was one of the issues to demonstrate the OMB's lack of jurisdiction in the matter of compensation, but not the sole issue. The key issue was the right to appeal to the Courts. Given the actions by The Town of Newmarket, you should insure the OMB decision (if a development is approved) is appealed to the Courts. As the Town has contributed to preventing a resident from gaining Party status to have the right to appeal the OMB ruling; it would be negligent if the Town did not assume this role and responsibility as a strategy to defend the by-laws and Official Plan on behalf of the interests of the Glenway residents. I recommend the approval by Council for the funding of this appeal by the Town of Newmarket before the cost of the OMB are incurred and additional consulting fees on the application file. You should ensure there is funding for the Court appeal and put this strategy in place immediately.

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We all know this proposed development application is **unreasonable** and not the **intent** for this community.

The Town of Newmarket should manage this application with a clear strategy to appeal to the Courts. The residents should be made aware of any issues in the defence of the intent of the by-laws and Official Plan in regards to the Glenway property. The attention of residents should not be in the process to proceeding with development but to understand how the Town is/will defend the intent of the by-laws and Official Plan.

Regards,

Jeff Brown Glenway Community Group



TOWN OF NEWMARKET 395 Mulock Drive P.O. Box 328 Newmarket, ON L3Y 4X7

www.newmarket.ca info@newmarket.ca 905.895.5193

#### MEMORANDUM

To: Mayor and Members of Council Chief Administrative Officer

From: Ruth Victor, Ruth Victor and Associates.

Date: November 20, 2013 (REPLACES NOVEMBER 15, 2013 MEMORANDUM)

Re: Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Approval, Marrianneville Developments Limited (Glenway)

NOTE: This memorandum replaces my memorandum dated November 15, 2013 as it includes additional information regarding population and growth projections to reflect additional analysis carried out by staff. Of particular note, the population associated with development applications outside of the urban centres has been slightly revised from 9683 to 9004 to incorporate this new information.

In response to the questions raised by the public at the Committee of October 15, 2013, I have prepared the following responses.

Questions were raised regarding the growth targets. Is the new development required to meet growth targets mandated by the Province, the Region and the Town?

All development applications must be consistent with the Provincial Policy Statement, and conform to the Growth Plan and the Official Plan including the Regional Official Plan.

The growth targets for the Town of Newmarket are set out below:

The current Official Plan has a horizon of 2026 and ultimately will need to be updated to a 2031 horizon in conformity with the Growth Plan. The policies of the Official Plan (Section 14.2.1) set out a population of 77,000 people in 2005. The estimated Town population as of mid-2012 was 85,453. The land uses of the Official Plan assume a population of 98,000 when the Town is fully built out. Of the total population, it is intended that 8,000 will be accommodated through intensification. As noted in this policy, "if necessary, these numbers will be revised, through an amendment to this Plan, in accordance with the population target set by York Region."

Town staff has advised that for 2031, the projected growth is estimated at 116,521 people as per the secondary plan process currently in progress. Although this number exceeds the projected growth target for Newmarket in the Regional Official Plan, Town staff anticipate that the Region will be updating its growth strategy due to recent amendments to the Growth Plan.

#### **Population Forecasts**

As noted in the York Region Official Plan, population (and employment) forecasts are intended to be used as a guideline for growth in a municipality. Forecasts are based on several assumptions, and unexpected changes to these assumptions (for example changes to provincial planning policy, federal immigration levels, and shifts in the strength of the economy) could impact the ability of a municipality to achieve these forecasts. As such, the Region and Town continue to carefully monitor and update forecasts through revisions to the Town's Planning documents, as is currently being done through the Secondary Plan.

For the purposes of this memorandum, the 2031 population forecast has been separated into two categories - outside of the urban centres and within the urban centres.

#### Outside of the Urban Centres

As shown on the attached chart, the Town currently has developments and applications on file for lands outside of the urban centres that would result in an additional 9004 people. These applications represent the majority of the balance of the emerging residential lands designated for development. It is staff's perspective that they will all be built by 2031 as a number of these applications are under construction or nearing draft plan/site plan approval.

A few parcels of emerging residential lands and other potential infill sites remain for which development applications have not been received. Based on certain assumptions regarding anticipated densities and built form, staff has suggested that the Town could see an approximate 3,000 additional people beyond ( the 9004 in these areas should they develop. Some examples of these lands include the remaining vacant parcels in the southwest secondary plan, the table lands at the south end of Town on the east side of Yonge Street, and other properties for which development interest has been shown such as the former Price Chopper property on Leslie Street.

As there are currently no development applications on file for these areas, it is not possible at this time to determine if they will be built prior to 2031, however it is staff's opinion that they would likely be post-2031.

A portion of the Oak Ridges Moraine is located within in the southwest quadrant of the town and no development is contemplated or allowed under current Town policy for this area at this time.

#### Within the Urban Centres

The 2031 draft forecasts flow from the detailed studies undertaken through the ongoing development of the Secondary Plan and reflect the densities and built form planned for the Secondary Plan area in order to achieve the densities of both the Growth Plan for the Provincial Urban Growth Centre and the Regional Official Plan.

There are currently approximately 2500 people living within the urban centres. It is forecasted that by 2031 this number will be approximately 21,000. As shown on the attached chart, the Town currently has (

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development applications on file for lands within the urban centres for 3359 people. It is expected that all of these applications will be built prior to 2031, and that other applications totaling the remaining 15,141 people (21,000 - 2500 existing - 3359 in applications = 15,141 remaining) will also be received, approved and built prior to 2031. This assumption is based on discussions staff has held with land owners within the centres related to their development plans and timing. No applications have been filed at this time for the development of these remaining lands.

Based on the information and the assumptions of Town Staff regarding growth as set out above, the development of the Glenway lands is not required to meet the Growth Plan targets.

#### The residents do not see a clear position of the Town on the viability of a no growth recommendation as an option.

The subject lands are located within the built boundary of the Town of Newmarket and represent an opportunity for appropriate intensification. There is not a planning basis to recommend a no growth option, as they are not constrained on a policy basis due to the presence of a natural heritage feature or other environmental constraint. The only way to protect for a no growth option would be acquisition of the lands by a public body.

#### The residents do not see the value in resolving technical issues prior to the Board Hearing.

The value of resolving technical issues is that it reduces the cost and timeframe for the hearing. It also results in a more effective and efficient hearing process as the hearing can focus on the primary or most important issues.

Ontario Municipal Board members can also assist through a mediation process for resolving disputes. An impartial mediator helps disputing parties reach a voluntary, mutually acceptable resolution.

#### The residents believe that the proposal will contribute to congestion where congestion is already an issue. The residents have concern regarding traffic on Millard Avenue.

The application and corresponding Traffic Impact Study were circulated and peer reviewed and comments were provided in response. It was identified that the study should be revised to address a number of issues, including; the Town road standard requirements; balancing of traffic counts; a 10-year horizon and revised trip generation rates; other development plans in the area; the need for traffic calming; any impacts on existing access points. Further revisions to the Traffic Impact Study are required. Any revised studies will be reviewed by the Town and Region to ensure municipal concerns will be addressed.

The street configuration is such that Millard Street terminates at Eagle Street West where proposed storm water management ponds are located. As mentioned above, the application and corresponding Traffic Impact Study were circulated and peer reviewed and comments were provided in response. The applicant has been requested to address this matter in any further submissions.

#### The residents wish to retain green space in order to "leave a legacy".

The subject property does not form part of Newmarket's overall park system at this time as it is privately ( owned. The Official Plan Section 8.2(4) states "Where the Parks and Open Space designation is applied to privately owned lands, it shall not imply that the lands are free and open to the general public...". The location of park facilities and the amount of land to come into public ownership is an important part of what is reviewed under the development application process.

#### The residents have concerns with respect to the potential loss to property value.

The planning process addresses issues of compatibility, mitigation of impacts and other matters. It does not directly address property values. It is recognized that this is a concern for the residents.

#### The residents would like the School Board to be clear about their intentions regarding a school site.

In a letter dated September 24, 2013 the School Board identified the need for an elementary school site to serve new development in the northwest quadrant of Newmarket. The letter expressed that access issues represented constraints on locating a site with optimal standards. The School Board advised that if a better site could be located to serve the northwest quadrant of Newmarket, they would reassess the requirement for a site on the Glenway lands. Subsequently, the School Board advised that indeed a better site, meeting optimal standards for a new school could be located outside of the Glenway lands.

#### The residents have questions about the status of the western golf course land if there is no settlement.

The western portion of the golf course is not part of the application and, therefore, it is not within the scope of this process. Original submission materials suggest that the westerly golf course lands are to be retained and operated as a golf course. Until an application is submitted for those lands, the current policy framework applies.

The Glenway proposal is significant in its scale and should trigger a more holistic examination through and Official Plan Review. There is a concern that there was a lack of a Town led planning process. There was not enough public consultation and the report does not address future residents' involvement in the process. The application should be rejected until a proper Official Plan process can be conducted involving the community and led by the Town. The Glenway Preservation Association should be part of any settlement discussions.

As part of the review of the application, additional community consultation was undertaken with respect to this proposal, all relevant agencies were canvassed, their comments documented and subsequently relayed to the applicant for their consideration. The development application preview process has been thorough and was designed to identify and potentially address issues of concern. Questions on matters such as parkland and school requirements were discussed and considered not only in the context of this specific site but in terms of the broader community requirements and the ongoing Secondary Plan process for the adjacent Urban Centre lands. A secondary plan process would have equally undertaken a similar community and agency consultation process and would have been a valuable undertaking if there were options regarding potential land uses for the redevelopment of this area. As these lands are interwoven into a residential community, the only option for land use is residential. The policies of the Official Plan provide direction as to the type of development that should be considered for these lands based on the approved land uses for the adjacent land.

The Glenway Preservation Association is a party to the Ontario Municipal Hearing process and, therefore, will be informed of any settlements on this matter. The applicant has publicly provided any without prejudice settlement offers and has advised that they will do the same in the future if any further offers are made.

Ruth Victor MCIP RPP

#### Summary of Approved Development Applications where Building Permits have not been issued as of August 2012 OUTSIDE of the Urban Centres

Application		Total Population				
	Singles	Semi/Link	Townhouse	Apartment	Seniors	
711371 Oxford Homes	10			-		
784773 Ont Ltd	85					
Lowton Phase 6						
784773 Ont Ltd	193		41			
Lowton Phase 7						
Landmark Estates		102				
Mademont Yonge Inc.			80			
Daniels			101			
Zamani Homes			27			
National Homes	142					
Goldstein Copper Hills	392				<u></u>	
Cedar Manor Trinison	322	40				
Total by units	1144	142	249			
(x person per unit estimate)	3.25	2.88	2.63	1.72		
Population	3718	409	655			4782

Summary of Applications Where Site Plan or Planning Applications have not been approved as of August 2012 OUTSIDE the Urban Centres

Application		Total Population				
	Singles	Semi/Link	Townhouse	Apartment	Seniors	
Mosaik	123	62				
Toth	111	46	571			
Clocktower				150		
487 Queen			16			
281 Main Street North		2	9			
Forest Green			214	304		
Ardree	50					
Cougs			27			
Total by units	284	110	837	454		
(x person per unit estimate)	3.25	2.88	2.63	1.72		
Population	923	317	2201	781		4222

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#### Summary of Applications WITHIN the Urban Centres

Application	Units					Total Population
	Singles	Semi/Link	Townhouse	Apartment	Seniors	
39 Davis Drive (Tricap)			· · · · · · · · · · · · · · · · · · ·	280		
22 George Street (480770 Ltd)				115		
55 Eagle (Millford)			38	154		
Yonge/Millard (Kerbel)				360		
345 Davis Drive				55		
Slessor				644	214	
212 Davis				150		
Total by units			38	1758		
(x person per unit estimate)			2.63	1.72	1.1	
Population			100	3024	235	3359

#### TOTAL POPULATION IN APPLICATIONS

OUTSIDE URBAN CENTRES	9004
WITHIN URBAN CENTRES	<u>3359</u>
TOTAL	12,363

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TOWN OF NEWMARKET 395 Mulock Drive P.O. Box 328 Newmarket, ON L3Y 4X7

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#### MEMORANDUM

To: Mayor and Members of Council Chief Administrative Officer

From: Richard C. Nethery, BES MCIP, RPP, Director of Planning and Building Services

Date: November 22, 2013

Re: Development and Infrastructure/Planning and Building Services Report 2013-55 Application for Zoning By-Law Amendment 178, 180, 184, 188, 190 and 194 Main Street

It has been brought to our attention that Planning Report 2013-55 regarding the Clock Tower redevelopment proposal contains a comment that is inconsistent with the applicants proposal. The last two lines under the heading "**Proposal**" reads as such:

"The proposed two storeys of underground parking would extend under the existing library parking and a portion of the Market Square parking lot. If deemed appropriate, it will be necessary to provide easements to allow the underground parking garage to extend into Town owed property."

If fact, the applicant is proposing that the underground parking arrangement be by way of stratified title and hence would be a conveyance, not an easement. For clarity, the last line in this should read:

*"If deemed appropriate, it will be necessary to enter into a strata ownership agreement with the Town which would allow for the underground parking area to extend beyond the site boundary."* 

Richard C. Nethery, BES, MCIP, RPP Director of Planning and Building Services



Sub-Committee Report – Heritage Newmarket Advisory Committee to be submitted to Council and the Planning department.

# Clock-Tower Development Re-zoning Request Oct. 7. 2013.

Whereas:

1. (We) have reviewed the project elevation drawings in detail. We have questions regarding some of the measurements included in these drawings.

2. (We) have reviewed the Heritage Impact Assessment 180-94 Main Str. South Newmarket – August 2013

3. (We) have reviewed the\_Newmarket Urban Centres Secondary Plan (draft) Sept. 27, 2013 with regard to proposed regulations relevant to the Clock-Tower Development.

4. (We) have conducted a walk-about to assess current line of sight from various points of view related to the current structures and the proposed design. We have photographed the proposed project area from various lines of sight and these photographs are appended with comments.

5. (We) have reviewed the Ministry of Culture's guidelines as presented in the "HERITAGE TOOL KIT" for both individual properties and those within a Heritage Conservation District.

#### **OUR EVALUATION OF THE FIVE ISSUES:**

- 1. We have examined the drawings provided and, using the appropriate scale, have found quite a few variances between the actual drawings and the stated measurements. We understand the instruction "Do Not Scale" attached to the drawings but seek clarification as to which is to be relied upon ... the drawings or the listed measurements?
- 2. On reviewing the Heritage Assessment we find that the drawings included in the study do not match the drawings proposed. The drawings in the study are those negotiated by Heritage Newmarket with the developer and reflect the guidelines " to preserve, repair and maintain" the historic facades of the buildings between the Clock Tower and the Sovereign Bank building to the south. If this was not possible the developer agreed to replicate those facades as indicated in the Heritage Impact Assessment. Whereas we are now shown that the developer intends to demolish those buildings! This is not acceptable to the Heritage Newmarket Advisory Committee and , perhaps, may not even be acceptable to the Heritage

Consultant who wrote the study. This is a major change as the buildings are located in a Municipally designated Heritage Conservation District.

3. Urban Centres Secondary Plan: (draft):

## 7.3.9. Landmarks and Public Views:

"The town may identify significant views and landmark buildings that will be considered in the review of any development proposal, to ensure the view corridors to them remain legible".

Section 14.2.5 *Zoning* (lands) "that are considered premature or inappropriate for development for any one or more of the following reasons."

ii (c) "the existing street network does not have the capacity or is inadequately designed for the anticipated traffic from development and/or the access it requires.

We think that Park Avenue, is inadequate for the volume of traffic the increase in density created by this proposal would create. The volume of traffic flowing up and down Main street in particular would be excessive creating noise, idling, fumes, and negatively impact the atmosphere of the district due to excessive traffic.

Table 4: page 110 (Secondary plan) The proposed residential density for the Historic Downtown Centre is a maximum of 80 units per hectare. Floor space index up to and including 1.0 FSI (maximum floor space index) 60-200 maximum persons and employees (OPA#7) By-law 2012-42.

- 4. The following are the actual photographs taken in situ and our comments relating to them:
  - The current line of sight south allows the Old Town Hall to be fully visible from a point directly north of the Town Hall to Park Avenue, and fully in view walking west until obscured by the library. See photograph 001



Photo 001

- The current line of sight north from the Old Town Hall Provides a view of the west \_\_\_end, and beautiful Trinity United Church building. See photographs 002, 003,004,005 Trinity Church would be almost entirely obstructed (except for the peaks of the church roof) from view by the proposed Clock-Tower building.

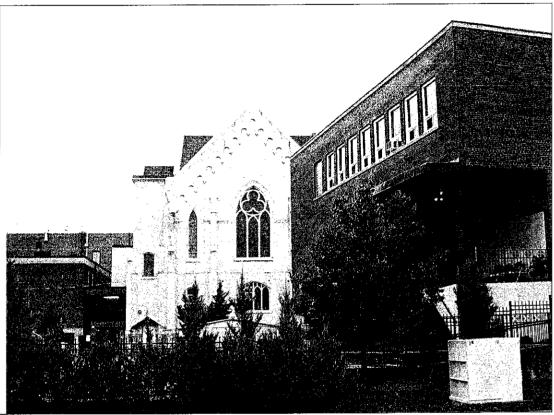


Photo 002

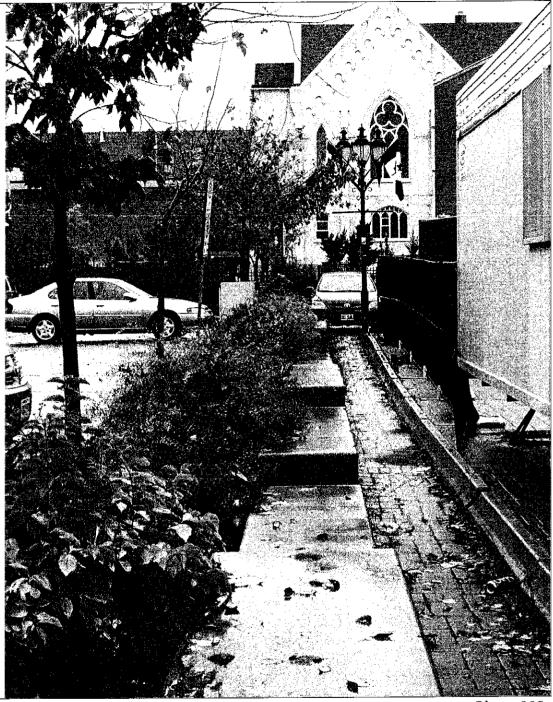
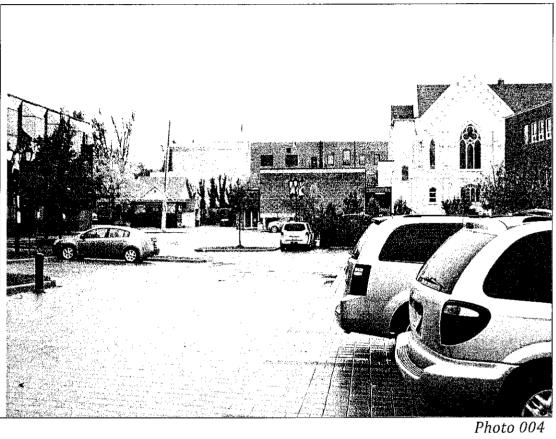


Photo 003





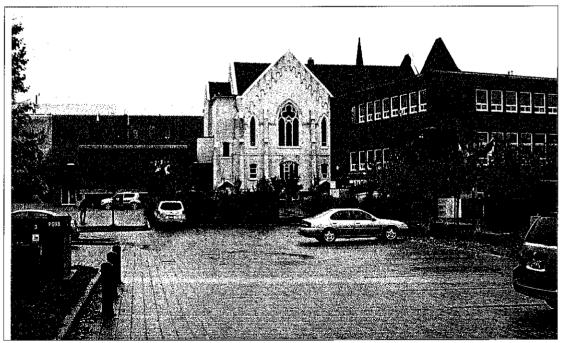


Photo 005

- The current view from the centre of Market Square allows the old clock tower to be visible with only a small part of it obscured by the existing building. From this position, the proposed condominium would fully obscure the clock tower from view. Photograph 006A.

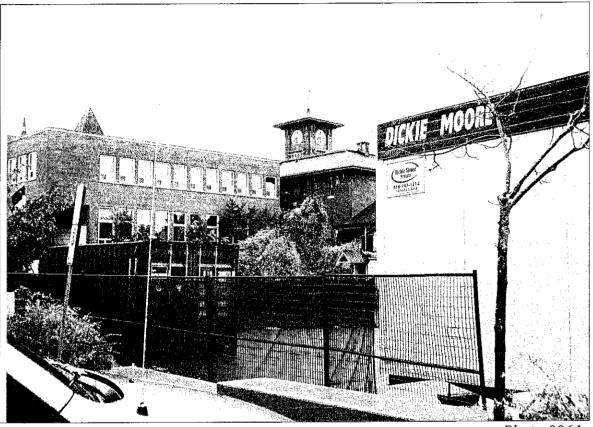


Photo 006A

The current view of the United Church from the southwest (east of the library) shows the church fully visible. The view of the church from this angle would be significantly obstructed by the proposed condominium. This would be a serious loss to the openness and overall beauty of the market square area with currently picturesque features on all four sides of the square. (clock east/Town Hall south/United Church north/library east.) Photograph 006B

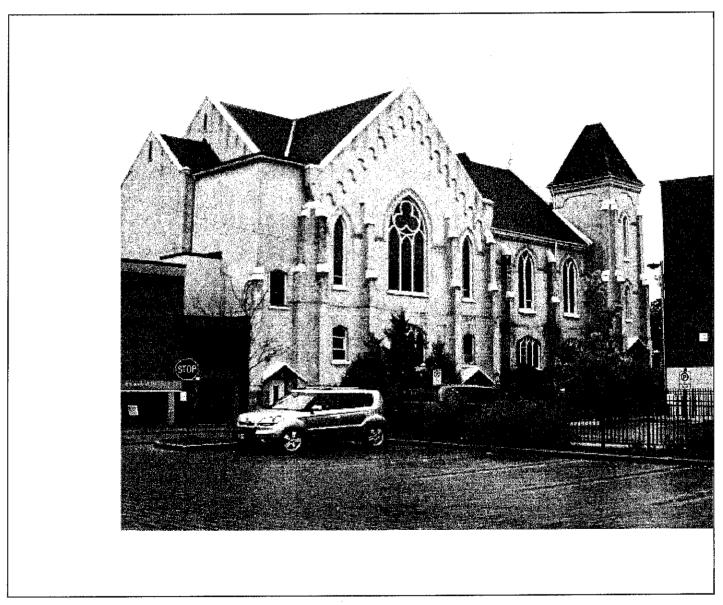


Photo 006B

- A view of the clock tower from the west on Park Avenue shows most of the tower and the complete clock face is visible from the north sidewalk. Photograph 007

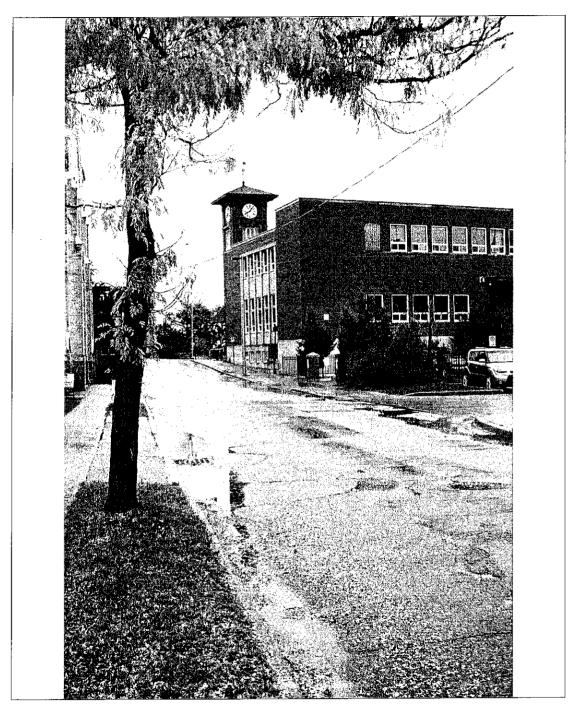
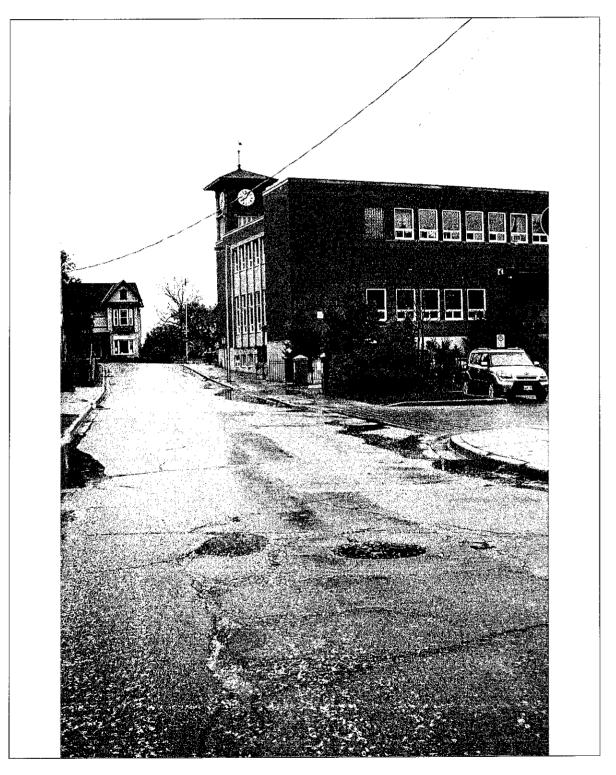


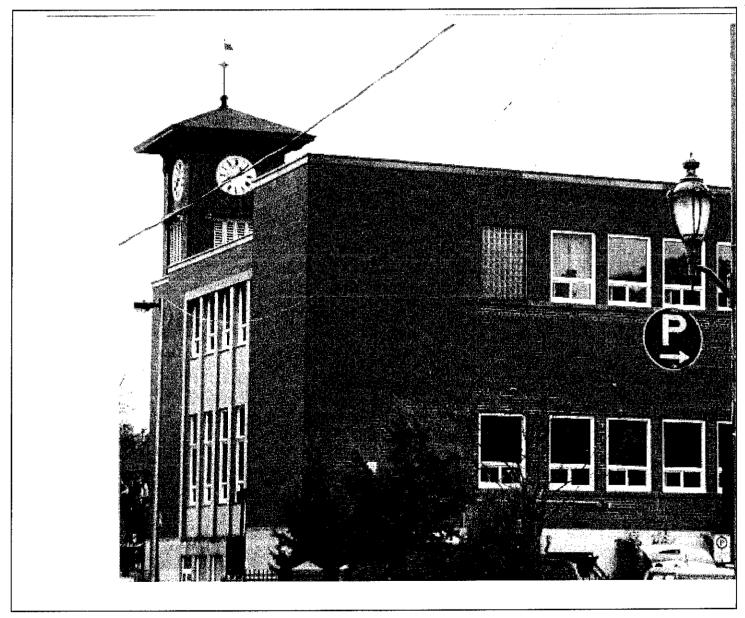
Photo 007



- A view of the clock tower from the centre of Park Avenue west shows the tower and clock face(s) quite visible. Photograph 008

Photo 008

- A view of the clock tower from Park Ave. West, from the south sidewalk at the western boundary of Market Square (next to the library) shows the clock tower is largely visible and the clock face(s) visible. It is our belief that the tower is only visible because the existing building is set back and angled away from the sidewalk to permit as much line of sight as possible. Without significant setback of the proposed building to the south (or angled as per current building), it is our view that the old clock tower would be obscured. Photograph 009



The line of sight from the east side of Main Street across from the original Post
Office Customs building allows a partial view of the top of the Old Town Hall.
It is our belief that the proposed condominium would eliminate this partial view altogether. Photograph 0010.

Hold onto these photographs because these views will never be possible again if the Clock Tower project goes ahead as proposed.

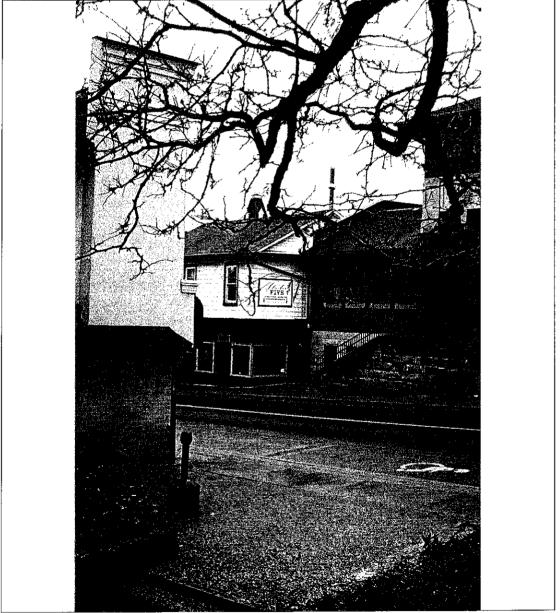


Photo 0010

5. The following excerpts are taken from the Ontario Heritage Tool Kit as they define the terms conserved and Cultural Heritage Landscapes (i.e. Municipal Main Streets with a cultural heritage values) in the Ontario Heritage Act:

## What is meant by Conserved?

In the PPS,2005, conserved means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

The Ontario Heritage Act enables municipalities to identify, list and protect properties with cultural heritage value or interest. It also gives municipalities and the Ontario Heritage Trust, and agency of the Ministry of Culture, which is dedicated to identifying, preserving, protecting and promoting Ontario's rich and varied heritage resources.

## <u>What is meant by Cultural Heritage Landscapes (i.e. Cultural Heritage Main</u> <u>Streets)?</u>

The conservation of a significant Cultural Heritage Landscapes (Main Streets) considers not only the preservation of specific features which make up the landscape, but also the relationships of such features inside and outside its boundaries. Consideration should also be give to the surrounding context which a cultural heritage landscape is located and the need for conservation strategies such as buffer zones. The Ontario Heritage Act enables municipalities to identify, list and protect properties with cultural heritage value or interest. It also gives municipalities and the Ontario Heritage Trust the ability to hold heritage conservation easements on real property. The Ontario Heritage Trust, an agency of the Ministry of Culture, is dedicated to identifying, preserving, protecting and promoting Ontario's rich and varied heritage resources. From: Gord Tozer Sent: November-24-13 9:45 AM To: Clerks Subject: Glenway development

I only ask one thing from our Town Council:

Vote to defend the Glenway Green Space at the OMB hearings by turning down the developers proposal to build on this valuable Green Space. This is your opportunity to secure your legacy by protecting a valuable Newmarket asset which will be enjoyed by Newmarket families for years to come.

Gord Tozer Newmarket, ON

#### From: B Gard Sent: November-24-13 10:12 AM To: Mayor Van Bynen; Taylor, John; Vegh, Tom; Kerwin, Dave; Twinney, Jane; Hempen, Tom; Sponga, Joe; Di Muccio, Maddie; Emanuel, Chris; Clerks Cc: <u>contact@preserveglenway.ca</u>; Subject: PLEASE VOTE "NO" TO REDEVELOPMENT PROPOSAL OF GLENWAY PROPERTY

Dear Members of the Newmarket Town Council,

My wife and I have seen Newmarket grow tremendously as a Town during the 24 years we've lived here. We've seen a community grow even more in the past 2 years. I bet you're thinking that the community I'm referring to is Glenway. It's actually all the residential communities of Newmarket that have had to band together to fight for their neighbourhood identities and the life they wanted to make for themselves and their families... it's McGregor Farm, it's Millard & Yonge, it's Slessor Square, it's the Main Street area and it's Glenway. Residents are different and they are the same. Residents want to protect the home and community value they made a life around. They expect their elected representatives to protect these values through tools like the Official Plan and thorough Town planning reviews that don't narrowly focus on technical aspects of a Developer's application.

We have seen all too often lately Developers bullying our Town into accepting much less for us as residents. Threats around needing to spend hundreds of thousands of dollars fighting an OMB Hearing are used by Developer lawyers. What are the costs if we don't fight? Do we hand over our Town to Developers!!

By approving this development you will introduce 86,000 taxpaying residents to:

- New infrastructure costs. The fact is development dollars pay for roughly 71% of required infrastructure based on York Region statistics. Taxpayers pay the shortfall.
- Liabilities such as the SWM ponds which could easily cost millions of lifecycle costs and are not even up to code standards today.
- The cost of an unnecessary elementary school because of development. This is a taxpayer cost at both the Municipal and Provincial level by there is only one taxpayer!
- Services for assuming roadways and adding to the rising costs of water allocation
- The acceleration of infrastructure obsolescence. Just ask Toronto what infrastructure is now costing it every year due to infill housing development strain.

You, as Town Council, have an important job in shaping what Newmarket is all about. Is it about unplanned development versus defending the Town's OP and Secondary Growth Planning process? Our Town will "blow away" growth targets by 2031 without the inappropriate and divergent Glenway infill development application. Frankly, it is concerning we may be developing beyond our means to achieve healthy growth! Is it about Developers leveraging their potential profits against the future taxation and liabilities of 86,000 taxpaying residents? Is it about who runs our Town if you all raise your hands and say Uncle!

The good work you have done to make Newmarket a top 10 place to live in Canada is your legacy. Your Planning department needs direction and support from you as our elected representatives to defend our OP in action and not just in words. We want the healthy growth of our Town to sustain the great legacy we confirm every 4 years next November. We implore you to defend our OP, protect our communities and fight for your constituents and OPPOSE Marianneville's application for development!

Brian & Kelly Gard

-----Original Message-----From: Brian Greiner Sent: November-24-13 6:30 PM To: Clerks Subject: opposition to the proposed Glenway developement

Brian Greiner Newmarket, ON L3X 1B4

I am a resident in the Glenway area, and I am opposed to the proposed development.

My opposition is not based only on the technical issues, although those are both legion and serious.

My key concern is the failure of the Town of Newmarket to oppose this development on the fundamental principle that it violates the Town's official plan.

This proposed development is a major development, not some minor change. It involves many houses, townhouses, and apartment buildings in an area formerly designated as green space.

This proposed development is planned to take place in the middle of a mature neighbourhood, in direct contravention of the Town's official plan.

If the Town fails to fight this proposed development on the basis that is contravenes the Official Plan, then why should any developer want to work within the Official Plan?

If the Town fails to fight this proposed development then how can any developer who has worked within the Official Plan fail to feel that they have been played for a fool?

If the Town fails to fight this proposed development, then why should any resident place any faith in the Town or its Official Plan when a developer can overturn it at will? Why should any resident waste their time contributing to future planning? Why should any resident or developer consider the Town Official Plan to be anything other than an expensive joke?

Why would the Town allow a developer to dictate how development should take place in one of the last few large tracts of land within the Town?

I urge the Town, in the strongest possible terms, to oppose this development.

Regards,

Brian Greiner

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