

# Planning and Building Services

TOWN OF NEWMARKET

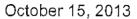
P.O. Box 328, STN Main

395 Mulock Drive

www.newmarket.ca planning@newmarket.ca

Newmarket, ON L3Y 4X7 F: 905,953,5140

T: 905.953.5321



# 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

Marlanneville 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.

*PLAN*corp







# BACKGROUND

# Location

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.

# Summary

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 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)

# Proposal

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

Page 5 of 28

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.

Page 7 of 28

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 accommodate the projected needs. Finally, planning 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 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



Community Services/Planning & Building Services Report 2013-47
October 15, 2013
Page 10 of 28

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

October 15, 2013

Page 11 of 28

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.

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

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

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 Biocks 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 (Biocks 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 vards 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 (



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.

#### Traffic

#### 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.

October 15, 2013

Page 18 of 28

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.

#### Hydrology

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.

October 15, 2013 Page 20 of 28





# 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.

October 15, 2013

Page 21 of 28



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.



# 163

# 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 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

October 15, 2013 Page 23 of 28



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.

# CONTACT

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

Pell 1/och

T: (905) 257-3590 F: (905) 257-1521

Bart Ryan MPL BAH

Ruth Victor MCIP RPP



# Appendix 1

# Without Prejudice Offer





IRA T. KAGAN Tel. 416.368.2100 x 226 Direct Fax: 416.324.4224 <u>lkagan@kslip.ca</u>

File: 10018

# WITHOUT PREJUDICE

August 23, 2013

#### By email

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.

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 livework (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.
- 4. 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 Planning Act. 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 Planning Act.
- 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 nine (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,

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)





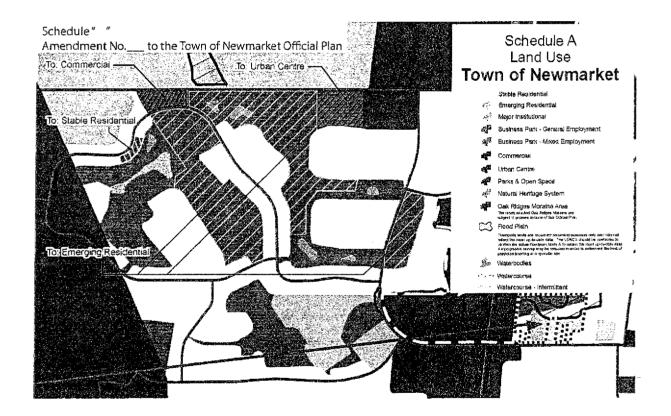


#### SCHEDULE 1

#### 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 \_\_\_\_\_

172

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 (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 Section 8.1.1 List of Exceptions:

	Exception	Zoning R5-	Map 8	By-Law Reference	File Reference	
i)	Location: Block 169					
ii)	Notwithstandir apply to the la	ng any other provis nds zoned R5	ion of the by-law shown on Sched	to the contrary, the following lule "X" attached hereto:	provisions shall	
				•		

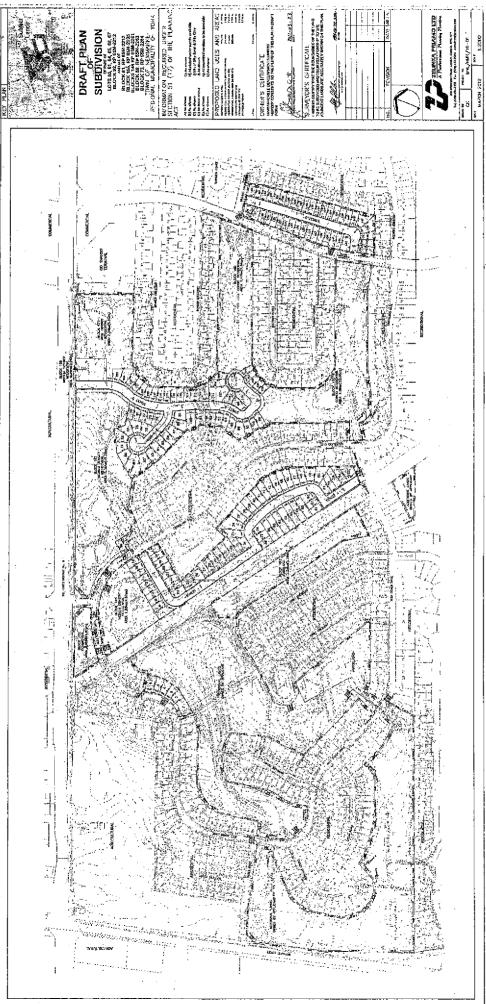
3. Adding the following regulations relating to the CR-2- Zone to Section 8.1.1 List of Exceptions:

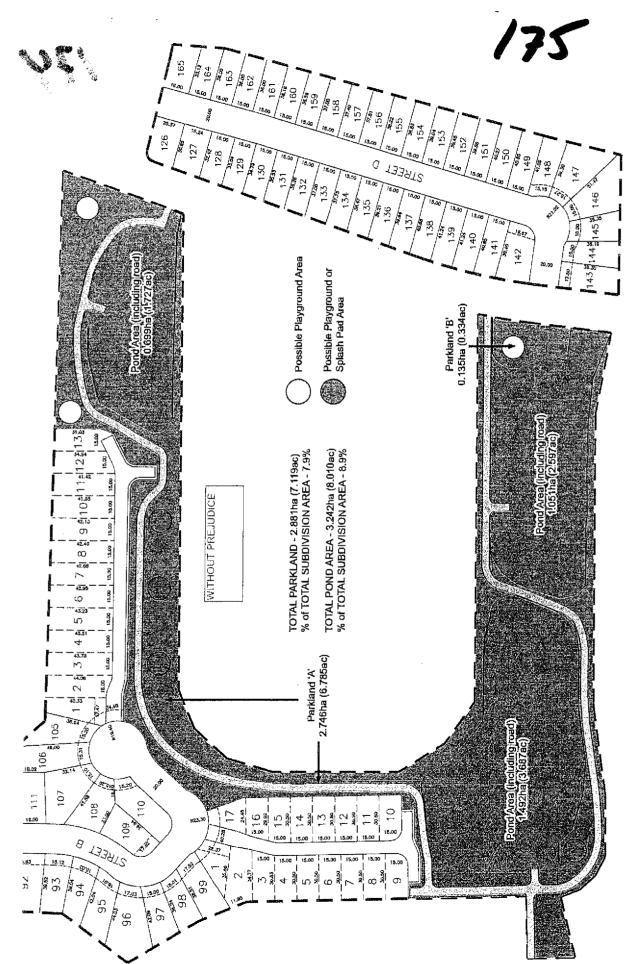
	Exception	Zoning CR-2-	Map 8	By-Law Reference	File Reference		
i)	Location: Block 171						
li)	Uses: In addition to uses permitted in the C-2 zone, a motor vehicle service station is permitted.						
iii)	Notwithstanding any other provision of the by-law to the contrary, the following provision shall apply to the lands zoned C4-2- shown on Schedule "X" attached hereto:						
	a) Regulations relating to the motor vehicle service station shall be as set out in the AC zone.						

4. Adding the following regulations relating to the UC-R- Zone to Section 8.1.1 List of Exceptions:

		Exception	Zoning UC-R-	Мар 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 shapply to the lands zoned UC-R- shown on Schedule "X" attached hereto:					
		a) Maximum	Height		12 m (4 storeys)		
	Į.						



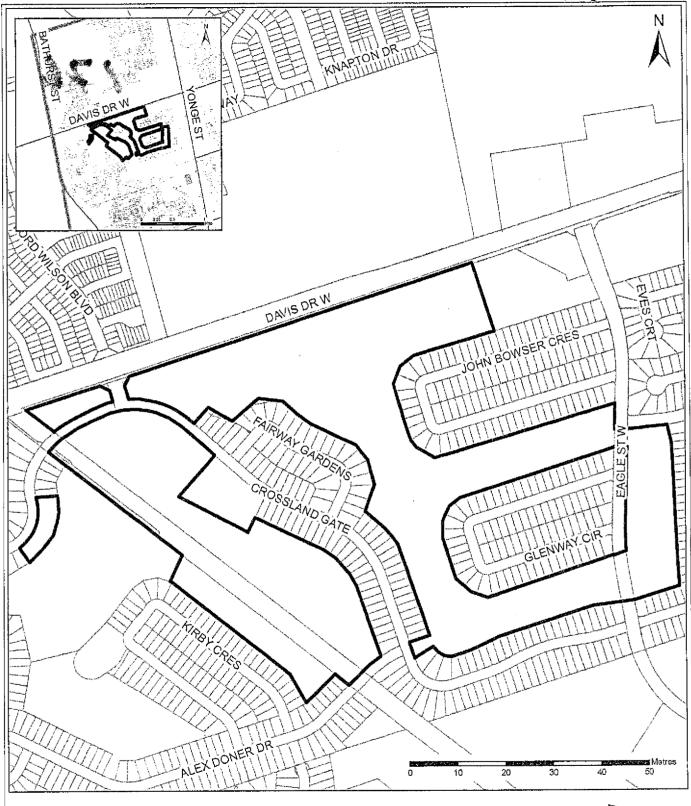






### Appendix 2 176

**Location Map** 



Legend
Subject Lands
Land Parcel

Municipal Boundary

Town of Newmarket

Location Map



Designed & produced by Information Testinology - GIG, SOURCES: Fallway, Roads, Water Features - Secondated Division, The Regional Municipality of York, 2001 11 Land Parcel Boundaries - ©Feature in Land Registry Systems, All rights reserved.
NOT A PLAM OF SURVINEY SOUTH, All other businesses and Registry Systems and Registry Systems and Registry Systems and Control points where available. This mapping is a representation of the earth's surface and produce selfmates of area and distance. The information registed on this map has been completed from unique sources, White every effort has been made on the earth's surface and produce selfmates of area and distance. The information registed on this map has been completed from the produce of the produce source is substitute for a completed from the produce of the

### Appendix 3 178

**Draft Plan of Subdivision** 

NFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANN BRAFT PLAN
SUBDIVISION
SUBDIVISION
CONSTRUCTOR STATEMENT
BLOCK THE SWAZE
BLOCK STATEMENT
BLOCK CONVENCAL П

### 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



Tree Inventory Report by York Urbanist (Peer Revie	st (Peer Reviewed by Arbourvalley)	alley)
Original Issue Identified by Review Agent(s) .	sthe  ssue resolved?	Is the issue resolved?   Required Next Steps
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 Plan and Replacement Plan required	No	Tree Preservation and Tree Replacement Plans are
		required.

(Peer Review by iPLANcorp)	
Original Issue Identified by Review Agent(5)	Required Next Steps
Part of proposed Lot 168 to the immediate west would be impacted by Partially proposed development.	Revised submission required
Further assessment of the impact of the proposed apartment	
development on proposed detached, medium-density and existing	
development is required.	

Shadow Impacts by Zelinka Priamo







Page 1 of 15

|--|

Original Issue Identified by Review Agent(s)	Is the issue resolved?   Required Next Steps	Required Next Steps	
Recommends two small parks be focated 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	No	Needs to be addressed in next submission.	

<b>Water Supply &amp; Distribution System</b>	
icing Report by Cole Engineering – Water Su	(dnc
Functional Servicing Report b	(Peer Reviewed by MIMIM Gre

Pending Further information is required of the applicant.  The by-pass line will be removed and the proposed medium density block (no 169) will provided a single
---









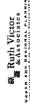
· · · ·	1	4	***		- W	<b>.</b>
Plans need to be updated.	The Applicant will need to update plans to reflect changes to watermain configurations. Further, the	Applicant needs to conclude direction for municipal	watermain along south side of Davis Drive for water	distribution between Crossland Gate and 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.

Functional Servicing Report by Cole Engineering – Grading	rading	
(Peer Reviewed by RJ Burnside and Associates)		
Original issue Identified by Review Agent(s)	the issue resolved? 🥌 🕆	listhe issue resolved? 🐂 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 Per	Pending	Outstanding
minimized at detailed design stage.		

Functional Servicing Report by Cole Engineering – Storm Drainage and Stormwater Management	and Stormwater Management
(Peer Reviewed by RJ Burnside and Associates)	
Original Issue Identified by Review Agent(s)	Is the issue resolved?     Required Next Steps
Existing private ponds should be conveyed to the Town and designed to	Ponds need to be designed to Town standards.
meet Town standards.	

Sump pumps are not permitted. Foundation drains will Applicant required to provide further analysis. Applicant to provide additional information need to have gravity connections. οN foundation drains for the homes. All homes should be protected from Concern was expressed regarding the water levels proposed in the ponds and the impact the hydraulic grade line would have on flooding for major storm events.











Cole is to provide a hydraulic grade line (HGL) analysis

				<u> </u>	·-p···		
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.	Applicant to provide further analysis or 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.	Proposed lots east of Ponds 8 and 9 conflict with existing storm sewers to the extent they are likely not developable.	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 discharge overland across private lands.	

- Sanitary Sewage		
Functional Servicing Report by Cole Engineering – Sanitary Sewage	(Peer Reviewed by RJ Burnside)	
Functi	(Peer I	

Original Issue Identified by Review Agent(s)	Is the issue resolved?	Is the issue resolved?   Required Next Steps
aint is qu		1BI 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.







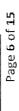
		Applicant to provide confirmation from Region of York that adequate capacity exists to handle flows from this development.	
Traffic Impact Study by Cole Engineering Group			
(Peer Reviewed by R.J. Burnside & Associates Limited)	ted)		p)
Original issue identified by Review Agent(s):	s the issue resolved?		
All roads should be revised to conform to Town standards.	Pending	To be addressed in next submission.	<b>()</b>
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.	18
Phase 2 development at Yonge Street not listed in the analysis.	Pending	Applicant to update in addendum study.	5





TIS needs to consider proposed works by the Region on Bathurst/Davis	Pending	Applicant to update in addendum study	
Dr.	)		
Proposed reduction in trips may result in an under-estimation of car	No	Directions needed if Applicant has to review Regions	
נוזף זון ניוב מופמ.		Class EA for Yonge Street rapid transit facilities and their	
		EIVIEE/2 transportation model, and Towns Secondary Plan for Yonge/Davis area.	
No quantification of overall daily traffic volumes or speeds have been	No	Cole outlines that this work is completed in an Internal	物
provided to determine whether dame carming should be a concern for		Functional Design Study. Burnside states that the TIS	
nie exisung neignbournood.		should provide additional details to identify impacts of	
		proposed development on the existing internal	) <sup>*</sup>
		roads/neighbourhoods.	h.
		Outstanding	
TIS has not taken into account all of the active developments in the	No	Outstanding	
study area.		1	
TiS should confirm that it is consistent with traffic forecasts for	Pending	Outstanding	
development to the north of Davis Drive (Toth Subdivision, Ford			
Wilson Boulevard).			

Environmental Site Assessment – Phase 1 by Cole Engineering	e Engineering	
(Peer Reviewed by R.J. Burnside and Associates)		
Original Issue Identified by Review Agent(s)	Is the issue resolved?	Required Next Steps
Missing analysis with respect to whether the tributary of Ansnorveldt	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 which is contrary to statements made in the EA.	Pending	Historical land owner has indicated that no fill has been 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









A	r	4

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.		
Planning Justification Report by Zelinka Priamo		

requirements and latest amendment to the regulation.

Applicant to prepare Record of Site Condition.

Pending

The reports need to be suitable to support a Record of Site Condition

for each parcel being developed

by O.Reg. 511/09.

Phase 2 Report is to be completed as per O.Reg. 153/04 as amended

Final report to be completed to adhere to the

Applicant will include this in the discussion in the final

submission.

Pending

Partially

Presence of fill identified in the 2011 borehole logs was not discussed.

Presence of a water course through the site was shown on Figure 2

but ignored in the rationalization.

Pending

final report.

groundwater flow direction for the northwest portion Figure in the final report will be updated to illustrate

Applicant to include a discussion on the subject in the

is the issue resolved?

Environmental Site Assessment - Phase 2 by Cole Engineering

(Peer Review by R.J. Burnside and Associates)

Original Issue Identified by Review Agent(s)

Applicant to finalize borehole logs and provide

Pending

Borehole logs are "draft", a Hydrological investigation undertaken was

No sieve data was provided.

not referenced.

Pending

signatures on final report,

Applicant will provide pH results from borehole in final

report.

Pending

Shallow groundwater divide was indicated in the Phase 1 ESA but

ignored in Phase 2.

requirements and latest amendment to the regulation.

Final report to be completed to adhere to the

Site Model.

Pending

Phase 1 Report is to be completed as per O.Reg. 153/04 as amended

by O.Reg. 511/09.

2	Isithe issue resolved?   Required Next Steps	No Outstanding	owth
Planning Justilication Report by Zelinka Priaino	Original Issue Identified by Review Agent(s)	Additional information required on the interrelationship with the	proposed planning options for the Yonge Street Corridor Urban Growth









Page 7 of 15

Revisions required to address design issues regarding private/public No road connects, park and trail facilities, conformity with OP.	Outstanding	
Additional analysis of community facilities required.	Waiting on analysis.	**
Additional information regarding the interrelationship between these No lands and the remaining lands to the West.	Waiting on analysis.	
Additional information requested regarding proposed zoning No standards for proposed uses	Outstanding	*
Report to be updated to address outcomes of resolution of other issues and response to public comments as required.	Response to public comments recieved	
Environmental Impact Statement  Original Issue: Identified: by: Review/Agent(5):	Sthe issue resolved?	
The application is within 50 metres of a Woodlot designated part of the No Town's Natural Heritage System. We will require a scoped Environmental Impact Study that addresses the impact, if any, of the proposed development on the identified Woodlot.	Waiting on report	
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 or Wetland as depicted on Schedule B, Natural Heritage System, unless		188





the ecological attributes and inficuon(s) of the aujacent fains 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."	•

ſ

York Region District School Board, Planning & Property Development Services	ent Services
Original Issue Identified by Review Agent(s)	*Required Next Steps
The York Region District School Board identifies the need for an Yes	Requirements have been identified. School Board will
elementary school site to accommodate new development in the	notify the Town if they determine an alternate site
northwest quadrant of Newmarket. A site has been identified along	location.
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.	
The York Catholic District School Board reviewed the without prejudice	
offer and states that they have no comment or objection to the	
proposed development.	







							4	
	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.				
is the issue resolved?	Yes		-					
Original Issue Identified by Review 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.		

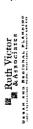
### Functional Servicing Report by Cole Engineering Group (Reviewed by LSRCA)

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, 2013 comments were requests for further information from Cole (please consult LSRCA comment letter for further details).

canada la comunicación de la casa de la comunicación de la casa de	ione cole (bicase collisate commente letter for the details):	ירכן ימן יווכן כלימוט).
Original Issue Identified by Review Agent(s) ** *********************************	is the issue resolved?	Required Next Steps
Flow targets in Section 7.2 are to be based on more conservative pre-	No	Outstanding
development flows. LSRCA requires some degree of over control for		
outlet #2. Available capacity for both outlets should be demonstrated		
and discussed with the Town.		
A rating table is to be developed for each existing facility based on a	No	Outstanding
current site survey to verify existing conditions/flows.		
Demonstrations that the weir and receiving system has the	No	Outstanding
conveyance capacity to accommodate the 100 year uncontrolled flow		
from the facilities.		
The pond overflow should not be directed through the rear-yard of the No	No	Outstanding
proposed lots as noted for Pond 9.		
There does not appear to be any details with respect to the existing	No	Outstanding
overflow for any of the ponds.		

Page 10 of 15







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.	0 2	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.	No	Outstanding
Applicant is requested to submit a water balance.	No	Outstanding

### Hydrological Investigation by Cole Engineering Group (Reviewed by Genivar, on behalf of the LSRCA)

/ /	_	•	
A June 3 email by Sara. Brockman of the LSRCA informed that the applicant	t has not provided any re	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.			9
Original Issue Identified by Review Agent(s)	Is the issue resolved?	Required Next Steps	
The report does not include sufficient images to demonstrate future	No	Outstanding	
conditions and propose site alternations.	٠		







The report does not demonstrate proposed future grades or potential changes to drainage catchments resulting from re-grading.	No	Outstanding	
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.	No	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 4.0 could 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 Hydraulic (Reviewed by IBI Group)

Subsequent to the IBI report there was some dialogue with Cole regarding it. IBI has not been provided a response by the applicant

Required Next Steps	Outstanding	
🌣 🧢 is the issue resolved?	a. It No	
esIdentified by Review Agent(s) 🐇 🔭 😘	I values from RVA Sanitary Sewer Study are 0.70 L/s/ha	
Original Issue	Infiltration I/	







Page 12 of 15

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 No 100mm fell. This storm should be considered further when discussing the monitored flow data that included storm events up to 48 mm.	0	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.		Outstanding	
The RVA study was based on spatial distribution of census data and No non-residential land use. This should be considered in the Cole report.	C	Outstanding	
No comment was given by Cole Engineering on the impact of increased flow on the MH704 to MH727 section of the Town sewer.	C	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.	C	Outstanding	
Analysis of the West sub-trunk should take into account all proposed no and possible future development within this sewershed.	0	Outstanding	

### Region of York - Preliminary Comments

The Region has not been provided a formal response letter to date on the matters provided below. Robert Patridge had met with Cole Engineering earlier this year to discuss transportation matters.







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	
Shouid "de-watering" be required, York recommends a dewatering plan be prepared by a qualified professional.	Pending	Outstanding	15-4.9
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.	ON	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.	No	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







Water Servicing		
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.	ON.	Outstanding
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







Page 28 of 28

### Appendix 5

**Community Comments Matrix** 

### Planning Comments

Applicant's Comments	We have provided a fullsome Planning Justification Report through our Planner in support of the applications. It is under review as part of the development process. We have met with several groups who have agreed for meet with us on the basis of discussing their issues. To dare, more of the persons who made submission at the Public Meeting have requested a meeting. Affempts to schedule a meeting with the assistance of the local Councillor have been 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	High Crossland Gate, L3X1BS; 276 Avenue, L3X17; 128 John Bowser Crescent, L3X17; 129 John Bowser Crescent, L3X17; 129 John Bowser Crescent, L3X17; 129 John Bowser Crescent, L3X119; 207 Crossland Gate, L3X16; 278 Glenway Christ, L3X18; 278 Crossland Gate, L3X18; 278 Crossland Gate, L3X18; 278 Crossland Gate, L3X18; 278 Crossland Gate, L3X18; 278 Glenway Christ, L3X16; 279 John Bowser Crescent, L3X18; 290 John Bowser Crescent, L3X16; 278 Danier Drive, L3X16; 232 Ballington the Region and the Province, 23the proposal is vague in describing what the Region and the Province, 23the proposal is vague in describing what current neighbourhood, 4) there are uncertainties whether the second process of the development (the nine hole golf course), 5) there are many issues/correcting that the development (the nine hole golf course), 5) there are many issues/correcting that the development (the nine hole golf course), 5) there are many issues/correcting that the development in a satisfactory manner impacting that in the development (the nine hole golf course), 5) there are many issues/correcting that the development in a satisfactory manner impacting that in the development in the been ansaideant and development in the been are many issues/correcting to the development in the subject have been
Address	419 Crossland Gate, L3X1B9; 276 Brimson Drive, L3X1H7; 408 Keith Avenue, L3X1T9; 188 Brammar Street, L3Y7T4; 413 Borland Court, L3X1E4; 414 Borland Court, L3X1E4; 359 Binns Avenue, L3X1T7;128 John Bowser Crescent, L3X1T7;128 John Bowser Crescent, L3X1T7;129 John Bowser Crescent, L3X1H;307 Krity Crescent, L3X1H;307 Krity Crescent, L3X1H;207 Crossland Gate;276 Alex Doner Drive, L3X1G6;196 Glenway Circle, L3X1G6;196 Alex Doner Drive, L3X1G5;40 Alex Doner Drive, L3X1G5;40 Alex Crossland Gate, L3X1A9;272 Crossland Gate, L3X1B1;39 Alex Doner Drive, L3X1G5;413 Alex Doner Drive, L3X1G5;413 Alex Doner Drive, L3X1G5;413 Alex Doner Drive, L3X1G5;413 Alex Cres, L3Y7N7;219 John Bowser Cres, L3Y7N7;219 John Bowser Cres, L3YTN7;381 Otton Rod, L3X 1E5;253 McCaffrey, L3X1U5;164 Glenway Circle, L3X1B1;391 Otton Crossland Gate, L3X1B1;391 Otton Crossland Gate, L3X1B1;391 Otton

Parks and green space component of the proposal are under review.

Applicant has indicated his intention to proceed with a 9-hole course and has had the formal preconsultation meeting with Newmarket Staff.

affordable housing and this development will address those policy directions.

1) parts of Glenway are located within the Oak Ridges Moraine 2) Town requires affordable housing - does this development provide affordable housing 3) can the hospitals/EMS/nealth care sector

56 Peevers Crescent, L3Y7T11)

1) loss of green space impacting quality of life

accommodate this growth

56 Peevers Crescent, L3Y7T11)

483 Alex Doner Drive

391 Binns Avenue, L3X1T7

commitment to golf course unclear

19

### Discussions with the York Region District School Board (YRDSB) are orgoing. Discussions with the York Region District School Board (YRDSB) are orgoing. Parks and green space component of the proposal are under review. additional planning approvals. Planning Act permits landowners to apply for redevelopment. Merits of development will now be decided by the OMB. Town, Region and local residents are entitled to be heard at that hearing. 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. 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 Technical reports including the Planning Justification Report in support of the application are Previous goil course has been closed since December 2011, new goil course is subject to A fullsome Planning Justification Report was submitted in support of the application. Parks and green space component of the proposal are under review. Applicant's Comments Marianneville Developments - Community Comments Matrix - WITH PREJUDICE Draft plan is currently under review. currently under review. loss sense of community 1) Growth target can be met withouf 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 development is not required to meet growth targets, 2) social impacts 1) loss of Golf Course social implication 1) Town Official Plan and Zoning By-law should not be amended to allow 1) loss of green space 1) no buffer in proposed plan 2) loss of privacy 3) loss of green space 4) neighourhood, 4) use of existing services (water, hydro, roads, schools, parks and rec) create burden on existing residents on patential new school 1) concerned with impact on the schools with the influx in children from new development 2) reduction of green space l) loss of community feeling and lifestyle 2) loss of privacy - no buffer 1) development build out not factored into Secondary Plan minimal and transigent Summary of Issues proposed development Gienway Circle, L3Y7S6; 95 Burling Place; 147 Glenway Circle, L3Y7S3; 52 Peevers Crescent, L3Y7T1 L3X1H2;431 Mathews Crt;355 Binns Crossland Gate, L3X 1B3;315 Kirby Drive, L3X1C1;127 Crossland Gate, C3X1E1,363 Binns Gate, L3X1B1,260 Brimson Drive, L3X1H6;171 John Bowser Cresent, L3Y7N4;199 Glenway Circle L3X1B2; 415 Crossland Gate; 199 L3X1V3;351 Fairway Garden, L3X1B4;337 Alex Doner Drive;323 Glenway Circle, L3Y7S7;273 Kirby 328 Alex Doner Drive, L3X1G4 115 Glenway Circle, L3Y7S3; 308 Crossland; 318 Crossland Gate, L3X1B2;Gord Tozer L3Y7T4;286 Garden, L3X1B4,275 Crossland 318 Alex Doner Drive, L3X 1G4 Ave, L3X1T7;425 Mathews Crt, L3X1C9;155 Glenway Circle, Crescent, L3X1H5;339 Fairway Circle, L3Y7S5;450 Alex Doner 450 Alex Doner Drive, L3X1C1 Avenue, L3X1T7;167 Glenway L3X1A5;56 Peevers Crescent, L3Y7T1;409 Alex Doner Drive, 56 Peevers Crescent, L3Y7T1 Ave, L3X1T7;216 Rhodes Cir, Crescent, L3X1H2;363 Binns Crescent, L3X1H5;291 Kirby 207 John Bowser Crescent 211 John Bowser Crescent .3Y1J8;216 Rhodes Circle, 3X1V3;167 Glenway Cir, .3Y7S3;317 Petheram PI, L3Y7S5;345 Kirby Cres., 3X1C6;306 Crossland 148 Brammar, L3Y7T3 419 Alex Doner Drive

### Page 3 of 8

	T	11						ī		ю	,		-T	1			1	1		• •	1	<del>-</del> 1
Applicant's Comments	Discussions with the York Region Di Planning Justification Report was st space component of the proposal at	-	A fullsome Planning Justification 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.	A fullsome Planning Justification Report was submitted in support of the application. Into to be provided regarding setbacks as part of development review process.				A fullsome Planning Justification Report was submitted in support of the application	1 -	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 inches within.	under review.	A fullsome Planning Justitication Report was submitted in support of the application	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.	Official Plan Amendment has been submitted A full some Planning Justification Report was submitted in support of the application Parks and green space component of the proposal are under review.	No corrament.	A fullsome Planning Justification 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.	A fullsome Planning Justification Report was submitted in support of the application	Uscussions with the York Hegion District School Board (YRUSE) are origing, 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 fullsome Planning Justification Report was submitted in support of the application. Official 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 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 largets can be achieved without this development; 3) application did not provide information on serbacks 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>	development is in opposition to Official Plan's designation of the area, 2) loss of parkland without adequate compensation	1) negative impact to neighbourhood character	<ol> <li>proposal is contrary to OP, 2) Town is already underserved per capita in green space</li> </ol>	1) proposal is contrary to by-law and OP which protect green space in Gienway	1)What is the maximum number of units in the development?	1) negative impact to neighbourhood character	1)proposal is contrary to OP, 2) Town is already underserved per capita in green space	1) proposal is contrary to by-law and OP which protect green space in Glenway	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	1)homes proposed are not keeping with the homes in the community (single famity vs townhomes, semi, apts.), 2) safety of homes being built so close to the hydro towers.	1) "it is contrary to the existing plan for newmarket"	1) Intensity of dev't, 2) backyard view ruined	<ol> <li>concerned about strain on local schools, 2) did not use the input from residents</li> </ol>	1) strain on local schools 1) ruin their view of the golf course, 2) strain on schools, 3) not enough	input from residents 1) Intensity of dev't 2) rezoning of 'open space'
 Address	352 Crossland Gate, L3X1B3	410 Borland 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	1975 and Donney or 1977NE	351 Kirby Cres., L3X1G8	358 Otton Road, L3X1G2	346 Otton Rd, L3X 1G1	176 John Bowser Cr, L3Y7N5	351 Binns Ave. L3X117	200 Crossland Gate, L3X1A6		343 Fairway Garden, L3X1B4; 328 Crossland Gate, L31B2 (2 lefters)	477 Alex Doner Drive (2 letters)	335 Fairway Garden, L3X184	352 Crossland Gate, L3X1B3 470 Alex Doner Drive, L3X1C2

Marianneville Developments - Community Comments Matrix - WITH PREJUDICE

### subject

### 200

### 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. A fullsome Planning Justification Report was submitted in support of the application. A fullsome Planning Justification Report was submitted in support of the application. A fullsome Planning Justification Report was submitted in support of the application Discussions with the York Region District School Board (YRDSB) are ongoing. Discussions with the York Region District School Board (YRDSB) are ongoing Applicant's Comments No comment. No comment. No comment. No comment. 1) opposed to any form of residential or commercial devit in Glenway. 2) existing schools do not have the capacity required to absorb this devit 3) pedestrian connectivity which leaves some areas isolated, 5) does not see a need for the requested elementary school as a nearby school is currently )feel that the dev't of apartment and condominium dwellings will increase dev't, 3) goes way beyond what is allowable under the Official Plan 1) ruins the view of the golf course in their back yard, 2) concerned about what the intensification will do to the 'peaceful community' 1) recommends reducing the # of townhouses and replacing them with on additional condo tower, 2) the # of townhouses offered is extensive - consideration should be given to 'executive townhouses' with high quality detract from the existing neighbourhood, 4) there is a lack of satisfactory materials and overall housing design as lower standard of materials will dwellings should be given consideration with respect to quality building design to better fit the neighbourhood, 3) all proposed single-detached ) growth targets are already being met, 2) goes beyond a typical infill wants area to remain greenspace 1) not enough consideration has been given to the impact on school 1) concerned with school capacity as a result of development 1)town's OP preserves the green space in Newmarket density targets have already been met by the Town Summary of Issues the density in the area to unacceptable levels 1) does not support any "new subdivisions" I)heritage land must be preserved under-enrolled 52 Peevers Crescent, L3Y7T1 312 Crossland Gate, L3X1B2 147 Glenway Circle, L3Y7S3 339 Kirby Crescent, L3X1H2 319 Kirby Crescent, L3X1H2 419 Binns Avenue, L3X1T7 212 Brammar St, L3Y7S9 John Bower Crescent 368 Kirby Crescent Not available Gorham St

Marianneville Developments - Community Comments Matrix - WITH PREJUDICE

### Noise Comments

Address	Summary of Issues	Applicant's Comments
N/A	<ol> <li>buildings along hwy 9 are to be designed not to be able to open their</li> </ol>	) 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.
14/8 Brammar (3V7T3	following the same search of the	All required technical reports were submitted as part of the complete application and are subject.
	special was unpage of dates	to ongoing review by the agencies having jurisdiction.
11E Glopman Circle 1 3V793	ejou (t	All required technical reports were submitted as part of the complete application and are subject
110 chairear cilde, to 1 co	acron ):	to ongoing review by the agencies having jurisdiction.
200 Crossland Cate 1 2V4 AB	11)noise and dirt from construction of homes will negatively impact an	All required technical reports were submitted as part of the complete application and are subject
200 Clussialia date, Lonina	already established neighbourhood	to ongoing review by the agencies having jurisdiction.

### 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 ongoing review by the agencies having jurisdiction.
175 John Bowser Cres	1)loss of mature trees and sense of natural character of Town	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
203 Crossiand Gate, L3X1B1	<ol> <li>Inemoval of 40 to 50 toof mature frees behind the 2nd green of the golf course would reduce privacy in our backyard.</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.

Applicant's Comments	Alt required technical reports were submitted as part of the complete application and are subject to orgoling review by the agencies having jurisdiction.
Summary of Issues	1)will all trees be protected?
Address	155 Glenway Circle, L3Y7B3

### Parks & Rec Comments

Address	Summary of Issues	Applicant's Comments
410 Mathews Court, L3X1C7	1)protection by Town of green space of Glenway from inception until now	space of Glenway from inception until now Parks and green spaces throughout the plan under review.
N/A	destruction of natural green space for parklands	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, L3X1T7	T) 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.
199 John Bowser Cr, L3Y7N6	what steps has the Town taken to protect the green space of the 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 Alex Doner Drive, L3X1C2	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 program to ease concerns about the loss of greenspace, 2) 1 additional</li> </ol>	
419 Binns Avenue, L3X177	park should be considered which attempts to incorporate the new 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	1) use of existing services (water, hydro, roads, schools, parks and rec) create burden on existing residents	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 Timproperty planned stormwat property	<ol> <li>Inimproperty planned stormwater management may cause flooding to their property</li> </ol>	ter management may cause flooding to their Ali 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)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 orgoing review by the agencies having jurisdiction.
147 Glenway Circle, L3Y7S3	1)concerned that the 3rd hole Stormwater Management Pond, which is already insufficient in dealing with excess water, will have this issue exacerbated by the 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.

### Traffic Comments

Applicant's Comments	All required technical reports were submitted as part of the complete application and are subject to orgoing review by the agencies baving jurisdiction.
Summary of Issues	t)traffic on Eagle to increase
Address	419 Alex Doner Drive

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)traffic congestion around Peevers	Alt required technical reports were submitted as part of the complete application and are subject to origing 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 orgoing review by the agencies having jurisdiction.
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)	Crossland Gates will become more dangerous intersection, 2) Eagle could not handle another road between Pervis and Millard	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	Ali required technical reports were submitted as part of the complete application and are subject to oncoing review by the agencies having jurisdiction.
315 John Bowser Crescent, L3Y7P3	Increased congestion around Davis and Yonge a cause for safety concerns	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, £3X1B1	<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	<ol> <li>greater traffic congestron 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</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.
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 o 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	Alf required technical reports were submitted as part of the complete application and are subjeα to ongoing review by the agencies having jurisdiction.
486 Alex Doner Dr, L3X1C2	1 jincreased amount of traffic congestions in Newmarket negatively affecting community	VI required technical reports were submitted as part of the complete application and are subject o ongoing review by the agencies having jurisdiction.
71 Peevers Cr, L3Y7T2	1)ncreased traffic	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	Tincreased congestion along Yonge St. Davis Dr. Greenlane during rush hour causing increased delayed walt 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	T)increased congestion on Crossland Gate which is main arterial road in Glenway	All required technical reports were submitted as part of the complete application and are subject to origoing review by the agencies having jurisdiction.
203 Crossland Gate, L3X1B1	1)increased congestion on Crossland Gate which is main arterial road in Glenway, exacerbated by traffic flow from other arterials	All required technical reports were submitted as part of the complete application and are subject to organize review by the agencies having jurisdiction.
200 Crossland Gate, L3X1A6	1)increased traffic on Crossland Gate and in our community	Ali 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 alle 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 MarGiregor will cause much more congestion on existing roads; traffic study on Bathurst between Sykes and Davis in Sopt 2012 was flawed because the traffic counter dight 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	f)development will create more traffic on Eagle and making streets musting more dangerous to cross and congested.	All required technical repuls were submitted as part of the complete approach are accounted to organic review by the agencies having jurisdiction.  The submitted to complete annipulation and are subject.
148 Brammar St, L3Y7T3	<ol> <li>I)development may create 1400 additional vehicles on the surrounding groads which are already congested.</li> </ol>	All required reduitors reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.
477 Alex Doner Drive	1) concerned about traffic it will cause	An Equition review by the agencies having jurisdiction.

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.
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>	) concludes that the data provided in the TIS shows that the traffic impact. All required technical reports were submitted as part of the complete application and are subject all be unsustainable and unacceptable.
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 agericies having jurisciction.
N/A	1)not satisfied with answers given at the Public meeting regarding how the increased traffic will be dealt with	given at the Public meeting regarding how the [All required technical reports were submitted as part of the complete application and are subject with
147 Glenway Circle, L3Y7S3	1)concerned with increased traffic as a result of devit	All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.

Applicant's Comments

Summary of Issues

Environmental Comments Address

This is not an established and recognized land use pranning consideration.	loss of privacy, 3) property value loss	
A STATE OF THE STA	1) recommendation for a Glenway detence rund be set up by the LOWN 2) 203 John Bowser Crescent, L3Y 7N6 poor communication with developer on noise, light, traffic, grading, and	203 John Bowser Crescent, L3Y 7N
No comment	1) a defense fund should be secured by Town for this effort	328 Alex Doner Drive, L3X1G4
This is not an established and recognized land use planning consideration.	1) loss of property value due to loss of green space	119 Glenway Circle
Applicant's Comments	Summary of Issues	Address
		Other Comments
All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having furisdiction.	1) loss of green space impacting quality of life, 2) impact a wildlife corridor	56 Peevers Crescent, L3Y7T11)
All required technical reports were submitted as part of the confinete application and are subject to ongoing review by the agencies having jurisdiction.	1)development is within 50m of existing woodlot and would negatively impact the Natural Heritage System	52 Peevers Crescent, L3Y7T1
All required technical reports were submitted as part or the complete application and are subject to orgoing review by the agencies having jurisdiction.	1) concerned with the destruction of wildlife and forest land	470 Alex Doner Drive, L3X1C2
) construction will cause air pollution, 2) Trees and widlife habitats will be. All required technical reports were submitted as part or the complete application are subject to ensuring jurisdiction.	<ol> <li>construction will cause air pollution, 2) Trees and wildlife habitats will be destroyed</li> </ol>	352 Crossland Gate, L3X1B3
<ol> <li>air quality and dust resulting from construction, 2) there will be too much All required technical reports were submitted as part of the complete application and all subject groundwater and the pumps will create noise</li> <li>to ongoing review by the agencies having jurisdiction.</li> </ol>	<ol> <li>air quality and dust resulting from construction, 2) there will be too much groundwater and the pumps will create noise</li> </ol>	335 Fairway Garden, L3X1B4
All required technical reports were submitted as part of the complete application and are subject to orgoing review by the agencies having jurisdiction.	1)concerned about water table rise and additional runoif that may cause flooding on his property	155 Glenway Circle, L3Y7B3
All required technical reports were submitted as part of the complete application and are subject to ongoing review by the agencies having jurisdiction.	1)displacement of wild life living on the goil 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).	200 Crossland Gate, L3X1A6
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 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 it availability of water to residents of Nawmarket is decreased due to further development	203 Crossland Gate, L3X1B1
All required technical reports were submitted as part of the complete application and are subject to orgoing review by the agencles having jurisdiction.	1)more pollution created; loss of green space	71 Peevers Cr, L3Y7T2

### development will be determined at the OMB hearing. Construction Management Plan to be prepared (and approved by Town); community input to be 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-See earlier comments respecting schools. This development wil pay its fair share of taxes and 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 supressed by the developer and all such comments are being reviewed and considered See earlier comments on financial issues. Comments from the public have never been This is not an established and recognized land use planning consideration. This is not an established and recognized land use planning consideration. Applicant's Comments development charges No comment. No comment. No comment. No comment No comment Opposed to any form of residential or commercial dev't in Glenway, 2) concern over tax hike due to increased demand for infrastructure and mun. services, 3) existing schools do not have the capacity required to absorb 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 1) not clear as to why there is no impact on the budget 3) who will pay for nvolvement to oppose application I)loss of green space and higher densities in the area will decrease the 1) costing the Town and taxpayers too much to go through the planning recommendation for a Glenway defence fund be set up by the Town 1) loss of lot premiums, 2) fair compensation from developer, 3) tack of transparency between town and developer, 4) suppression of public ) concerned that loss of parkiand will result in loss of property values developer should honour the original agreement between the golf 1) wants the Town of Newmarket to have a referendum for affected Summary of Issues 1) paid a premium to back onto the golf course. construction will cause noise and mess new infrastructure needed? 1) loss of property value course and the residents 1) paid for premium lot value of our property residents this dev't 315 John Bowser Crescent, L3Y7P3 318 Alex Doner Drive, L3X 1G4 247 Gross Land Gate, L3X1B1 318 Crossland Gate, L3X1B2 352 Crossland Gate, L3X1B3 312 Crossland Gate, L3X1B2 20 Glenway Circle, L3Y7C2 339 Kirby Crescent, L3X1H2 391 Binns Avenue, L3X1T7 211 John Bowser Crescent 273 Alex Doner, L3X1H4 71 Peevers Cr, L3Y7T2 60 Peevers Cr, L3Y7T1 370 Otton Rd, L3X1E4

Marianneville Developments - Community Comments Matrix - WITH PREJUDICE

1





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.

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