

	IMPORTANT LINKS
	https://tonfileshare.newmarket.ca/share.cgi?ssid=0YTxhMS
	https://www.newmarket.ca/LivingHere/Documents/2006%20Official%20Plan%20-%20September%202014%20Consolidation%20Text%20and%20Schedules.pdf
	https://ww6.yorkmaps.ca/Html5Viewer24/Index.html?viewer=GeneralInteractiveMap2.YorkMaps
	https://www.newmarket.ca/LivingHere/PublishingImages/Pages/Planning%20and%20development/Interim%20Control%20By-law/Established-Neighbourhoods-Compatibility-Study/14.08.2019%20Revised%20Background%20Report.pdf
	https://www.newmarket.ca/LivingHere/Documents/Town%20of%20Newmarket%20Urban%20Forestry%20Management%20Report_Accessible.pdf
	ISSUES WITH THE PROPOSAL
ckt	All aspects of this proposal go against the Town's Living Here and Official Plan Residential area documents created to prevent out of character infill.
rt	Vibration issue. Danger to our home, outdoor structures, septic system, land compaction, aquatic life, motion of fixtures and objects, quality of life. In Section 4.2 of the Assessment of Construction Vibration Potential Report, the company states that "the only building where potential for ground-borne vibration exceeding the Town of Newmarket's 5 mm/s criterion (or even the more restrictive 3mm/s for fragile buildings as old as ours built in the 1950s) is predicted to exist is the residence at 1043 Wayne Drive." Table 4.7 shows that vibration during construction ranges from 18-11 mm/s at our home, <i>significantly</i> exceeding safe limits (3mm/s).
	17680 was filled illegally in the late 80's or early 90's and is actually wetland underneath see https://ww6.yorkmaps.ca/Html5Viewer24/Index.html?viewer=GeneralInteractiveMap2.YorkMaps and use the timeline feature to scroll back to 1970's to see the original wetland. The Geotechnical Investigation Report never acknowledges this, even with readily available data to support this. In Section 4.2, they claim the water levels vary due to season and major weather (page 6), rather than admit existence of springs. Note the Groundwater Depth chart still shows "Pending". Why? Also note Section 5.5 "The process involves dropping of a heavy weight repeatedly on the ground at regularly spaced and timed intervals.... The dynamic compaction process will result in significant vibrations which will have a potential of adversely affecting nearby buildings." Also note Section 5.12.2 regarding excavations . Where will they be pumping the water? To our yard? Finally, in Section 5.15, they discuss pavement design. Most of this property is currently unpaved, allowing water to percolate into the ground. Once paved (it looks like at least 85% of this property is proposed hardscape), where will this surface runoff go? Into our yard or into the sewer? The Rubidium Environmental Site Assessment states on Page 1 that there are no water bodies on the property, yet the report contains an aerial photo in Appendix B showing the water on the site. Was it filled legally? If not, it should not be grandfathered in. 80' culvert added illegally to dump wastewater on property. The springs on our properties are headwaters to the Holland River watershed.
rt	Traffic issues - one enter/exit 15 m from residential driveway, limited parking on site. In the Transportation Impact Study, the Executive Summary states that they are proposing 12% less than Newmarket By-Law requires. Section 4.0 states that traffic trips will increase 32-39 cars per hour. That's a huge impact on the traffic flow. In Section 6.3 they claim that the proposed site is

	500 meters from the high density corridor (they are simply referring to Davis Drive, not even the proper HDC), which completely contradicts Page 7 of the Planning Justification Report, where they state the property is not identified within the limits of MTSA 55. Their reports are clearly inaccurate and misleading. There are only 117 residential parking spots and 17 guest spaces available for 88 units. How will overflow parking impact the neighbourhood? They certainly never address this issue.
rt	In Section 5 of the Noise Impact Study, the MECP guidelines recommend that warning clauses be included in the property and tenancy agreements for all units with anticipated road traffic sound level excesses. "The sound level predictions indicate that the future sound traffic levels will exceed MECP (Ministry) guidelines at some dwellings in the development. The developers consider balconies exempt to this clause because "these balconies are less than 4 m in depth ... and are exempt from traffic noise assessment." All this conflicts with Safety – As outlined in Section 12.2.5, "new development and redevelopment shall be encouraged to incorporate a "safety by design" approach, which promotes safer, more liveable environments." How can the Town approve residential housing where occupants would need to sign waivers with Warning Clauses (Section 5.4)? "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks." 5.2 AC units are required so that windows may remain closed. "Warning clauses are recommended for all units." Page 43 Planning Justification Report.
dt	Flawed Beacon Environmental Impact Study. Email to Dave Ruggles (cc: Jane Twinney and Patricia Cho) from David Tidman (who has his Master's in Environmental Science). If this report was biased and/or inaccurate, how can we trust others were also as well?
dt	Would Tree Protection Zones (TPZs) protect all the trees within 4.5 m of our property line? I don't think TPZ's apply to private property. This project would likely kill all our trees adjacent to 17680 Leslie Street, which is significant. Retaining wall at property line (fence): damage to our trees and property
rt	Signed Town of Newmarket letter dated December 9, 2009 <u>stating the adoption of best practices and compliance with the most current storm water management standards</u> in the event construction takes place along the stormwater route. The solution is to connect stormwater from Colour Town Plaza and the 404 Plaza into the storm water system rather than directed to private property. In consultation with the MoE, there was never a time when it was permissible to route stormwater onto private property and an honest mistake is likely the cause of the current situation. The MoE offered both financial and consultative assistance to bring the stormwater system up to the current environmental standard. In a December 9, 2009 letter concerning stormwater volumes, R. Prentice states construction pre-flow development is to match post-flow development. An external environmental firm estimated construction pre-flow at 6 gpm and post-flow at 1000+ gpm indicating the 18" line culvert Leslie is at 100% volume during storm event and no stormwater management controls are present upstream. Obviously, there is inconsistency in the formula to estimate stormwater volumes and infrastructure to control stormwater flow rates. Sediment deposit/erosion/pollution negatively impacts our property. **See Stormwater Management Report Section 5.2.4
ckt	3.2.1 Objectives It is the objective of the Stable Residential Area policies to: a. sustain and enhance the character and identity of existing residential communities. "In order to ensure compatibility with the 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 proposed development obviously does not meet this criteria. It will also clearly decrease neighbourhood property values and resale potential.
dt	Newmarkets Urban Forest Management plan reiterates "Woodlots are an important natural heritage feature in Newmarket. As the existing forest cover is relatively low, and with the Town approaching full build-out, it is important to protect the existing Woodlots to the greatest degree possible. They provide habitat for forest-dependent plants and animals, help regulate temperature, reduce air pollutants, reduce soil erosion, contribute to the aesthetic value of the Town and offer passive recreational opportunities". This project would decimate 2750m2 of woodlot. Develop an Encroachment policy onto Town owned Natural Heritage lands Policy/By-law. PG 46 Urban Forestry
ckt	Compatibility – As outlined in Section 12.4 of the OP, "development will be compatible with the existing built form by relating to and enhancing the area's existing physical character, qualities and scale - all houses on the north side of Wayne drive (except 2) are bungalows
dt	Our property and 17680 are part of the natural heritage system, which LSRCA states in the Development and the Environment workshop that they would like to GROW and protect this system.
ckt	Residents of Wayne and surrounding area specifically bought to enjoy large properties, nature and greenspace - this complex would be visible from all western properties and conflicts with the established character of the neighbourhood. Developer's description of the infill project: "The proposed development contemplates a massing and orientation which will improve and enhance the streetscape along both Wayne Drive and Leslie Street. The built form will replace the existing vacant frontage and parking lot with active dwelling entrances and amenity areas at a pedestrian scale and with direct connections to the public realm. This will enhance the sense of safety and enclosure." Their statement is ludicrous.
ckt	This proposal is way out of line compared to the Hamilton and Jacarandah proposals - both with similar sized property.
rt	Town OP: "That the zone change will be consistent with surrounding uses. This may require the applicant to show the zone change will not result in property values going down, or interfere with existing development." Zone change - prove it is consistent with comprehensive plan for area. Their proposal is not consistent with land use.
rt	Town OP: ...require the applicant to show that the zone change will not significantly impact traffic.
dt	Page 21 : "The OP also acknowledges the current low forest cover in the Town and the need to maintain and enhance all elements of the natural heritage system. In addition, it has policies that prohibit development and alterations to areas adjacent to woodlots"
rt	Town OP:over-burdening the roads, sewers, or school system or changing the character of the neighborhood.
ckt	Their by-law wording in proposal: 'Emerging Residential' designation and adding Stacked Townhouse Units as a Permitted Use on the subject lands. This should also not be permitted. The Newmarket Official Plan encourages growth in support of a sustainable new development of these forms is to be directed to Emerging Residential Areas, where appropriate, to manage change in a manner that maintains neighbourhood character. Newmarket Official Plan: predominant use of land in Emerging Residential Areas shall be residential in the form of single-

	detached and semi-detached dwellings, and that rowhouses and townhouses are also permitted provided that a review and analysis of such densities be undertaken as part of an application process.
ckt	Intensification within Stable Residential Areas - As outlined in Section 3.9(1), the forms of intensification permitted within Stable Residential Areas are: "accessory dwelling units and infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole." Clearly their proposal does not meet this criteria.
ckt	Their by-law proposal: Notwithstanding the definition of "Height" in Section 3, for the purposes of this Notwithstanding the definition of "Height" in Section 3, for the purposes of this By-law height shall mean the vertical distance measured between the established grades identified below and the top of the building, not including mechanical penthouse, parapets, green roofs, roof terraces, roof assemblies, and pop-up structures providing access to the roof or any of the aforementioned facilities thereon. Four story (five if you include HVAC and rooftop patios) likened to mansion on Elgin - overshadows all nearby structures. The Site Elevation Drawings show a picture of our house, which we believe is NOT in proper perspective. Our house will be dwarfed by the proposed structure.
rt	Need to rezone? Can the developer justify this need? We are not in official high density corridor.
ckt	Ensure the development of compact built form and a vibrant public realm, including public open spaces. - (2.2.1(4)(e)) I wouldn't even categorize what they propose as public open spaces. No greenspace - where will residents congregate?
rt	Their by-law proposal: Notwithstanding provision (e), structures below established grade may encroach into required yards to a point not less than 0.3 metres from a property boundary. A clause like this must not be approved.
rt	The developers propose soaking areas adjacent to our property. But Newmarket states that "All residential development shall be developed or maintained on full municipal sanitary sewer, water supply and storm sewer services." Directing runoff (above or below grade) on to our land must not be permitted. (3.1(1))
	By-Law 2013-30 amends the Comprehensive Zoning By-law 2010-40, modifying three requirements affecting the siting of a dwelling on a lot. P29 .
dt	Urban forestry tree protection page 39 The Tree Preservation Protection Replacement and Enhancement Policy was adopted by Council in 2005 and revised in 2008 and 2018. The Policy applies to all significant trees" located on and within 4.5 metres of any land subject to a development application. The Policy describes significant trees as a tree that is at least 20cm (or larger) DBH.
dt	7.3 Gaps and Opportunities. When considering protection of trees on lands not related to a development application, it was determined that the Tree Policy was not the correct regulating tool to address this issue. Council has enacted a by-law protecting trees on town-owned lands. This by-law protects any tree on town-owned land, including those that may be damaged or injured through the building permit process. If an eventual by-law regulating the injury and damage to private trees is enacted, this will protect trees on private property not subject to a development application. Has this been developed??
dt	Sensitive species - turtle nesting, wildlife habitat

rt	<u>The existing zoning of CR1 is wrong. CR1 zoning on Newmarket Official Plan says min area is 2 ha = 4.92 acre. This lot does not meet the CR1 minimum requirements It is .77 ha as stated on the Newmarket Planning Application Form</u>
c2 zoning	Current Max building height 18 m (which is incorrect because the property is not the minimum size lot for this designation)
incorrect	Current Max lot coverage 35%
commercial	Current Setback for land abutting residential 15 m Current Setback for land abutting a street 9 m Current max space index .6
should be this zoning	R4S Max building height 15 m (this is what i
commercial	R4S Max lot coverage 40%
	R4S Setback for land abutting residential 7.5 m* (1/2 of building height)
	R4S Setback for land abutting a street 9
	R4S space index 1.5
proposed residential	Proposed Max building height 15 m (does not include rooftop structures) Proposed Max lot coverage 50% Proposed Setback for land abutting residential 3.7 garbage, 20.3 buildings Proposed Setback for land abutting a street 1.9 Proposed space index 1.5
	Town checklists pages p 57-67
	Shadow impact - 5.2.3 Development Standards checklist. Says they are limited to setbacks, but the property sits above the yards on Wayne. A four story building, even with setbacks will have a huge impact on natural light/shadow and possibly wind.
	Provides publicly accessible spaces - 5.2.42 Parkland and Publicly owed spaces. States they are a condominium, not required
	5.2.47 Provides opportunities for passive recreation. Private amenity areas will accommodate passive recreation. But noise pollution clause for units adjacent to Leslie preclude this and their proposed zoning bylaw amendments. They also state in the Noise Impact Study that their

	balconies that are less than 4 M in depth are not considered to be "outdoor living areas". There are NO common areas.
ckt	There is no prediction of noise pollution that 88 housing units, additional auto traffic noise and the presence of estimated 253 (Stormwater Management Report Appendix C) additional residents will contribute to the neighbourhood. All homes on Wayne Drive, Burling Drive and Hamilton Drive contain about 30 homes per street. These three closest streets don't total the number of people proposed to live in this 2 acre lot.
rt	Radiated noise Vibration Assessment Section 3.4. Vibration can transmit as audible noise, but this was not a required study because there is no bedrock on site. The close proximity of neighbours should require an impact study.
rt	Vibration study clause 3.4. Vibrations can cause motions of fixtures and objects in a home. "The Staff Report does not require imperceptible (or inaudible) vibration levels at adjacent residences"
ckt	Property is NOT in identified a primary OR secondary high density corridor. https://www.newmarket.ca/LivingHere/PublishingImages/Pages/Planning%20and%20development/Secondary%20Plan/SecondaryPlanAwardsSubmission_Schedule1_municipalboundary.jpg
	Brock might be interested in our situation? https://www.thestar.com/news/canada/2021/03/04/vibration-from-infill-developments-could-have-impact-on-heritage-homes.html York Medical concern? https://www.fprimec.com/monitoring-of-ground-borne-vibrations-from-construction-and-demolition/
	hardscape versus permeable surfaces - stormwater, noise