

APPENDIX A

Conditions of Draft Approval
Plan of Subdivision 19T-13N12
Forest Green Homes

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-13N12 ARE AS FOLLOWS:

General and Standard Conditions

- (1) That draft approval shall relate to the draft plan of subdivision prepared by Humphries Planning Group Inc., dated April 20, 2022 (revised April 20th, 2022) showing Blocks 51 to 53 inclusive, for townhouse dwellings, Block 54 for townhouse dwellings and single detached dwellings, Lots 1 to 9, inclusive and lots 12 to 50, inclusive for single detached dwellings, Block 55 for open space, Block 56 for a park, Block 57 for a storm water pond, Block 58 for open space/woodlot lands, Block 59 for environmental protection, Blocks 60 and 61 for landscape buffer areas, Block 62 for a 3m woodlot buffer, Block 63 for a walkway, Block 64 for Emergency Access, Block 65 and 66 for a 0.3 metre reserve, and Streets "A" and "B".
- (2) The Owner acknowledges that the road and lot fabric on the private blocks as shown in the supporting documents to the draft plan application is conceptual only and has no approval status and that each block will be subject to the Town's Site Plan Approval Process. The Owner agrees to provide a Traffic Report as part of the Site Plan materials which reviews traffic volumes, makes recommendations on the road layout for each block, reviews road connection locations to the public roads and any recommends any traffic control measures required.
- (3) The Owner agrees to create one Condominium Corporation for the developments on Blocks 53 and 54. This Condominium Corporation will be responsible for the ownership and maintenance of the storm and sanitary sewers servicing these Blocks.
- (4) The Owner shall agreement in the subdivision agreement to be responsible for all costs to design a paved pedestrian connection from Street B, through stormwater management pond Block 57, across Block 59 and connecting to Crowder Boulevard. The connection shall be paved, having a minimum width of 3 m and shall include grassed recovery zones with a minimum width of 1 m on each side. The Owner shall agree in the subdivision agreement to be responsible to construct

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the said pedestrian connection. The said agreement shall provide that the Owner shall be responsible to pay all costs to construct the pedestrian connection within Blocks 57 and 59. The Town will be responsible for acquiring the land required to connect the pedestrian connection from Block 59 to Crowder Boulevard and the proportionate cost to construct the pedestrian connection on these lands.

Further, the Owner shall agree in the subdivision agreement to be responsible for all costs to design and reconstruct the bridge/culvert on Block 59 as required to accommodate the pedestrian connection.

- (5) Streets 'A' and 'B' within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (6) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (7) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the Planning Act.
- (8) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it may be necessary to amend or revise the other conditions of draft approval accordingly.
- (9) The Owner shall agree in the Subdivision Agreement to convey to the Town, as part of Phase 1 of the development, without monetary consideration and free of all encumbrances, the following lands: Block 58, Block 60, Block 61, Block 62, and Block 63.
- (10) The Owner shall agree in the subdivision agreement to convey to the Town, in accordance with the requirements of the Planning Act and the

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Town's Parkland Dedication By-law 2017-56, as amended from time to time, the lands identified as Block 56 as part of Phase 1 of the development, without monetary consideration. The lands to be conveyed will be in Land Titles Absolute, free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless the easement, encumbrance, or encroachment is approved by the Town in writing.

- (11) The Owner shall agree in the Subdivision Agreement that no stockpiling of material shall occur within Block 56.
- (12) The Owner shall agree in the subdivision agreement to design and construct the park within the subdivision and shall be responsible for all costs associated with the design and construction in accordance with the Town's Parkland Dedication By-law. The park design and construction shall be under the supervision of, and subject to final acceptance by the Director of Engineering Services. The park shall be constructed in a timeline acceptable to the Town.
- (13) The Owner shall agree in the subdivision agreement to design and construct the trails within the subdivision (Blocks 51, 57, 58, 59, 60, 62 & 63) in accordance with the trail design layout concepts on the Landscape Master Plan dated May 10, 2022, to be reviewed and accepted by the Town. The Owner shall be responsible for all costs associated with the design and construction of the trails. The trails shall be paved, having a minimum width of 3m and shall include grassed recovery zones with a minimum width of 1m on each side. Trails within the woodlot shall be paved, having a minimum width of 3 m and mulched recovery zone with a minimum width of 1m on each side. The said trail design and construction shall be under the supervision of, and subject to final acceptance by the Director of Parks, Recreation and Culture, and the Director of Engineering Services, and shall be at the Owner's expense and in accordance with the accepted landscaping plans and trail design.
- (14) The owner shall agree in the subdivision agreement to design and construct a trail entrance feature on Block 63 to the satisfaction of the Town and agrees to be responsible for all costs associated with the design and construction. The entrance feature shall include flush curbed planting beds with drainage, benches on concrete pads, tree

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plantings on both sides of the trail and landscape buffers along the fence line.

- (15) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.
- (16) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (17) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (18) The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the Planning Act. The Holding provisions of Section 36 of the Planning Act may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the Planning Act. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:
 - (i) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;
 - (ii) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;
 - (iii) All necessary approvals have been received from all other agencies and/or government bodies;

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- (iv) Represents a logical and orderly progression of development; and such other matters as may be deemed appropriate by the Council of the Town of Newmarket;
 - (v) That the Owner has provided a clean Record of Site Condition to the Town of Newmarket;
 - (vi) That the applicant has provided confirmation to the Town of Newmarket that an affordable housing contribution has been provided in accordance with the Town's Official Plan.
- (19) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (20) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.
- (21) The Owner shall agree in the Subdivision Agreement that all lots or blocks to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the Subdivision Agreement that the balance of lands subject to later phases of development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.

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- (22) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape, boulevard planting, pedestrian linkages, bicycle paths, entrance features and architectural compatibility within the development and with adjacent development.
- (23) The Owner shall agree in the subdivision agreement to establish an urban design/architectural review and implementation protocol to be carried out during the construction of the plan to the satisfaction of the Town of Newmarket
- (24) Prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a professional consulting engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site, including overland flow routes, storm drainage outlets and any other stormwater management techniques that may be required in accordance with the Provincial "Stormwater Quality Best Management Practices", the "Stormwater Management Practices Planning and Design Manual" and as outlined in the reports submitted in support of the draft plan application. The report shall address both water quantity and quality, particularly the impact of the proposed stormwater management techniques on the water quality of receiving waters as it relates to fish and fish habitat. In addition, the report or reports shall detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair, during the construction period, in a manner satisfactory to the Town of Newmarket.
- (25) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the function of the area and that the area will be left in its natural state to contribute to that function.

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- (26) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (27) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (28) Prior to final approval, the Owner shall have a Professional Consulting Traffic Engineer prepare, to the satisfaction of the Town of Newmarket and the Regional Municipality of York, a Traffic Report and Impact Study. The report shall address the internal and external traffic implications of this development, including but not limited to the functional classification and design of roadways proposed within this draft plan of subdivision and confirmation that the proposed road configuration can safely provide for vehicular, transit and pedestrian traffic. The report shall identify any external road improvements required for this subdivision, make recommendations for on-street parking locations and prohibitions, and provide an analysis of sight distances and stopping distances. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and measures of the said Traffic Report and Impact Study as accepted by the Town of Newmarket.
- (29) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Vibration Study. Further, the Owner

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shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.

- (30) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.
- (25) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, and the Region of York, any additional studies as may be required.
- (26) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (27) The Owner shall agree in the subdivision agreement that such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (28) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction of the Director Engineering Services,

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planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature. Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (29) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (30) Prior to final approval the Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the Owner shall

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agree in the Subdivision Agreement that no building permits will be applied for, or issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.

- (31) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (32) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement.
- (33) The Owner shall agree in the subdivision agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
 - (a) the latest version of the approved draft plan;
 - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
 - (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and

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(d) any other requirements as may be set out in the Subdivision Agreement.

Further, the Owner shall agree in the subdivision agreement to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (34) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time. Servicing allocation will be granted on a phased basis.
- (35) Prior to final approval, the York Region District School Board and the York Catholic District School Board shall have confirmed to the Town of Newmarket that pupil places exist within the Town of Newmarket for all pupils emanating from the subdivision.
- (36) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
 - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
 - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area revegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (37) The Owner shall agree in the Subdivision Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the Plan of Subdivision and provide said containers to each purchaser at the time of occupancy.

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- (38) The Owner shall agree in the subdivision agreement to include a clause in all offers to purchase and sale and within the notice section of said Subdivision Agreement, in wording acceptable to the Town, for all lots or blocks which contain slopes in rear yards or side yards of 3:1 or steeper, advising of the impacts on the lot useable amenity areas.
- (39) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:
 - (a) Mail from a Community Mailbox;
 - (b) Street trees;
 - (c) Traffic Calming Measures;
 - (d) Lots fronting on a collector road; (e) Transit Routes;
 - (f) Temporary Cul-de-sacs and Turning Circles;
 - (g) Stormwater Management Facilities;
 - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
 - (j) Noise;
 - (k) Illumination of Athletic Fields;
 - (l) Lands abutting a trail system;
 - (m) Open Space Lands to remain in their natural state;
 - (n) Extended Footings and Engineered Fill;
 - (o) Lot Grading and Preservation of Existing Vegetation;
 - (p) Basement Walk-outs and Access to Rear Yard;
 - (q) Rear Lot Catch basins;
 - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
 - (s) Carbon Monoxide Detectors.
- (40) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special

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fencing, other special features or devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks.

- (41) Prior to final approval, the Owner shall agree to provide a Compatibility Interface Plan where this draft Plan of Subdivision abuts existing residential development to the satisfaction of the Town. The Compatibility Interface Plan may include but not be limited to fencing, retaining walls, landscaping, grading, building setbacks and height in an effort to ensure compatibility of this Draft Plan of Subdivision with the established adjacent residential uses. The Architectural Control Guidelines required by Draft Plan Condition 18 shall identify controls for the rear of the proposed homes which abut existing residential development with enhanced controls required for all walk out type homes.
- (42) The Owner shall agree to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket and at the Owner's expense, a Heritage Restoration Plan, outlining how the Bogart Heritage House will be restored.
- (43) The Owner shall restore the Bogart Heritage House, as part of Phase 1 of the development, with all costs solely the responsibility of the Owner.
- (44) The Owner shall agree in the subdivision agreement that it will construct a secondary emergency access route, suitable to Central York Fire Services (CYFS), as part of the first phase of development.

Regional Municipality of York Conditions

- (45) The Owner shall agree in the subdivision agreement or any other agreement related to this Plan to save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

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- (46) The Owner shall agree in the subdivision agreement to implement all recommendations of the updated Transportation Mobility Plan Study, as approved by York Region.
- (47) The Owner shall agree in the subdivision agreement to advise all potential purchasers of the existing and future introduction of transit services. The Owner/consultant is to contact YRT Contact Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
- (48) The Owner shall agree in the subdivision agreement where enhanced landscape features beyond street tree planting, sod and concrete walkways are proposed in the York Region Right-Of-Way by the Owner or the area municipality, these features must be approved by Development Engineering and shall be maintained by the area municipality. Failure to maintain these landscape features to York Region's satisfaction will result in the area municipality incurring the cost of maintenance and/or removal undertaken by the Region.
- (49) The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
- (50) The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- (51) The Owner shall agree in the subdivision agreement that the following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

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"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

- (52) The Owner shall agree, in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- (53) The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering, prior to the development approval of Block 53 and Block 54, that access to Block 53 and Block 54 shall be via Street 'A' and Street 'B' (the internal road network) and direct access to Leslie Street will not be permitted.
- (54) The Owner shall agree in the subdivision agreement, in wording satisfactory to Development Engineering that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- (55) Prior to final approval the Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to Leslie Street and (Collector/Local Roads) to support active transportation and public transit, where appropriate. A drawing showing the layout of active transportation facilities and connections internal to the site and to the Regional roads shall be provided.

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- (56) Prior to final approval the road allowance included within the draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (57) Prior to final approval the Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the Town of Newmarket:
 - i A copy of the Council resolution confirming that the Town of Newmarket has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan, or any phase thereof.
 - ii A copy of an email confirmation by Town of Newmarket staff stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.
- (58) The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services branch and the Infrastructure Asset Management branch for record.
- (59) The Owner shall agree, that in the event that part or all of the required servicing capacity for the subject development is obtained through the Owner's participation in the Region's inflow and infiltration reduction program(s), appropriate program requirements shall be met to the Region's satisfaction prior to final approval.
- (60) Prior to final approval, the Owner shall demonstrate that the Draft Plan of Subdivision will provide 10m x 10m daylighting triangles at the proposed Street to Leslie Street.

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- (61) Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Signalization and Illumination Designs;
 - g) Line Painting;
 - h) Traffic Control/Management Plans;
 - i) Erosion and Siltation Control Plans;
 - j) Stormwater Management Report;
 - k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva
 - m) Functional Servicing Report (water, sanitary and storm services)
 - n) Water supply and distribution report;
 - o) Engineering drawings showing plan and profile views of proposed works related to connections to or crossing of Regional watermain or sewer, including the following, as applicable:
 - Disinfection Plan
 - MOECC Form 1- Record of Watermains Authorized as a Future Alteration
 - p) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
- (62) Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to Development Engineering, Attention: Mrs. Eva Pulnicki, P.Eng.

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- (63) Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- (64) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveways along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- (65) Prior to final approval, the Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation / Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region Right-Of-Way to be removed, preserved or relocated. The report / plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
- (66) Prior to final approval, the Owner shall have prepared, by a qualified professional Landscape Architect, landscape design plans detailing landscape works and street tree planting in the York Region Right-Of-Way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.
- (67) Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
- (68) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Development Engineering, as follows:

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- that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
- that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region

(69) The Owner shall agree that prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:

a. a widening across the full frontage of the site where it abuts Leslie Street of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Leslie Street, and

b. a 10.0 metre by 10.0 metre daylight triangle at the northwest and southwest corners of Leslie Street and Street 'A', and

c. a 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Leslie Street and adjacent to the above noted widening, and

d. an additional 2.0 metre widening, 40.0 metres in length, together with a 60.0 metre taper for the purpose of a southbound right turn lane at the intersection of Leslie Street and 'Street A'.

(70) Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.

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- (71) Prior to the Region's clearance of conditions, and release of the Plan for Final Approval, the Owner shall submit to the Region, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

The Owner shall also provide the Region's Development Engineering with a certified written statement from the Owner or the Owner's authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards

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applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.

- (72) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering that Street 'A' shall be designed to intersect Leslie Street at a right angle, or on a common tangent, and shall be located directly opposite to the Pfaff Volkswagon dealership access, located at east of Leslie Street.
- (73) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that the throat width of Street 'A' shall be designed to accommodate the recommendations of the transportation report approved by York Region.
- (74) Prior to final approval, the intersection of Leslie Street and Street 'A' shall be designed to the satisfaction of Development Engineering with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by Development Engineering.
- (75) Prior to final approval, the Owner shall have prepared, by a qualified professional storm water servicing consultant, a storm water report/plan outlining the required storm water improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all storm water servicing issues and shall recommend mitigative measures for these issues including followings:

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- Proposed storm water connections to Regional storm systems needs to follow Region's storm design criteria with 100 year post development drainage need to be controlled to pre development 5 year storm event. No additional post development flows to be directed to Leslie Street right-of-way.
 - Any proposed municipal infrastructure and 100 year full capture low point on Street A needs to be located outside of Leslie Street right-of-way and daylight triangle of the proposed access to Leslie Street.
- (76) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- (77) The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- (78) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
- (79) The Regional Corporate Services Department shall advise that Conditions 45 to 78 inclusive, have been satisfied.

Lake Simcoe Region Conservation Authority

- (80) That this approval is applicable to the Draft Plan of Subdivision prepared by Humphries Planning Group Inc., (April 20, 2022) and may

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be subject to redline revisions based on the detailed technical plans and studies.

(81) That prior to final plan approval and any major site alteration, the following shall be prepared to the satisfaction of the LSRCA and the Town of Newmarket:

- a) A detailed Stormwater Management Report in accordance with Lake Simcoe Region Conservation Authority Technical Guidelines for Stormwater Management Submissions and in conformity with the Stormwater Management Master Plan approved under Strategic Action 4.5-SA of the Lake Simcoe Protection Plan;
- b) A detailed erosion and sediment control plan;
- c) A detailed grading and drainage plan;
- d) A detailed water balance and phosphorus budget in concert with 4.8-DP of the Lake Simcoe Protection Plan and 6.40-DP of the Lake Simcoe Protection Plan if applicable;
- e) A Detailed Geotechnical Report for the proposed Stormwater Pond;
- f) A Detailed Low Impact Development (LID) Evaluation demonstrating the means to maximize the use of LID measures consistent with Policy 1.6.6.7 of the Provincial Policy Statement (2014);
- g) A Detailed Landscape Planting Plans for Blocks 57, 59, 60, 61 and 62;
- h) An Arborist Report;
- i) An Edge Management Plan for the newly created woodland edge demonstrating, among other matters, the means to address sunscald, wind-throw, and invasive species;
- j) An Ecological Offsetting Strategy;
- k) An Environmental Monitoring Plan; and,
- l) A Trails Impact Study;

(82) That prior to final approval, the following shall be undertaken to the satisfaction of the LSRCA, in accordance with the South Georgian Bay Lake Simcoe Source Protection Plan:

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- a) Detailed Hydrogeological Report / Water Balance
 - b) Compensatory Measures if required

- (83) That prior to final approval, the following shall be undertaken to the satisfaction of the LSRCA, in accordance with the Phosphorus Offsetting Policy:
 - a) Phosphorus budget
 - b) Compensatory measures if required

- (84) That prior to final plan approval, the Owner shall successfully apply and amend the Zoning By-Law by zoning Blocks 58, 59, 60, 61 and 62 “Environmental Protection”.

- (85) That the Owner shall agree in the Subdivision Agreement to dedicate and transfer Block 58, 59, 60, 61 and 62 to a public authority (i.e. Municipality).

- (86) That the Owner shall agree in the Subdivision Agreement to adequately demarcate the environmentally significant areas located in Blocks 58, 59, 60, 61 and 63 by means such as fencing (e.g. cedar rail, living) and signage.

- (87) That the owner shall agree in the Subdivision Agreement to carry out, or cause to be carried out, the recommendations and requirements contained within the plans and reports as approved by the LSRCA and the Town of Newmarket.

- (88) That the owner shall agree in the Subdivision Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans and reports as approved by the LSRCA and the Town of Newmarket.

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- (89) That the owner shall agree in the Subdivision Agreement to ensure that proper erosion and sediment control measures will be in place in accordance with the approved Grading and Drainage Plan, and Erosion and Sediment Control Plan prior to any site alteration or grading.
- (90) That the owner shall agree in the Subdivision Agreement to grant any easements required for storm water management purposes to the Town of Newmarket.
- (91) That prior to final plan approval, the owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the Conservation Authorities Act.
- (92) That the owner shall agree in the Subdivision Agreement to maintain all existing vegetation up until a minimum of 30 days prior to any grading or construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (93) That prior to final plan approval, the owner shall obtain a permit from the LSRCA for any development within an area subject to Ontario Regulation 179/06 under the Conservation Authorities Act.
- (94) That prior to final approval the provisions of the Endangered Species Act shall be addressed to the satisfaction of the Ministry of the Environment Conservation and Parks.
- (95) The Owner shall agree in the Subdivision Agreement to indemnify and save harmless the municipality and the LSRCA from all costs, losses, damages, judgements, claims, demands, suits, actions, or complaints resulting from any increased flooding or erosion to property and people as a result of the approved storm water management scheme. The Owner shall obtain and maintain in full force and effect during the term of this agreement general liability insurance with respect to the storm water management works and system.

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(96) The LSRCA will require the following prior to the issuance of a clearance letter:

1. A copy of the executed subdivision agreement.
2. A copy of the draft M-Plan.
3. A letter from the developer's planning consultant detailing how each LSRCA condition of draft plan approval has been fulfilled to the satisfaction of the conservation authority.

Newmarket Hydro

(97) Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such lands and/or easements as may be required, at no cost and free from encumbrances

Canada Post

(98) The Owner shall consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.

(99) The Owner shall consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.

(100) The Owner shall confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.

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- (101) The Owner shall install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- (102) The Owner shall agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- (103) The Owner shall communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
- (104) The Owner shall agree to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser/tenants that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners/tenants of any established easements granted to Canada Post.
- (105) The Owner shall be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

Other

- (106) Final approval for registration may be issued in phases provided that:

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- (a) phasing is proposed in an orderly progression; and
 - (b) all agencies agree to registration by phases and provide clearances as required in Conditions 107 to 113 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (107) The Town of Newmarket shall advise that Conditions 1 to 44 inclusive and Conditions 106 to 113 inclusive have been satisfied.
- (110) The Region of York shall advise that Conditions 45 to 79 inclusive have been satisfied.
- (111) The Lake Simcoe Region Conservation Authority shall advise that Conditions 80 to 96 inclusive have been satisfied.
- (112) Newmarket Hydro shall advise that Condition 97 has been satisfied.
- (113) Canada Post shall advise that Conditions 98 to 105 inclusive have been satisfied.

ISSUED at Newmarket this day of 2022.

Jason Unger, M.C.I.P., R.P.P.
Director of Planning and Building Services

Notes:

- 1. Where Final Approval for registration has not been given within three years after the date upon which approval to the proposed plan of subdivision was given, the Town of Newmarket may, at its discretion, and pursuant to the Planning Act, r.s.o. 1990, withdraw its approval to this proposed plan of subdivision, unless approval has been sooner withdrawn, but the Town of Newmarket may from time to time extend the duration of the approval.**

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2. The LSRCA will require the following prior to the issuance of a clearance letter:
 - i. A copy of the executed subdivision agreement.
 - ii. A copy of the draft M-Plan.
 - iii. A letter from the developer's planning consultant detailing how each LSRCA condition of draft plan approval has been fulfilled to the satisfaction of the Conservation Authority.