



February 10, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2016-09**

TO: Committee of the Whole

SUBJECT: 955 – 995 Mulock Drive – Application for Official Plan Amendment, Zoning By-Law Amendment, Draft Plan of Subdivision – Lorne Park Gardens Inc.
Letter Received from YRSCC 969 and YRCC 944

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

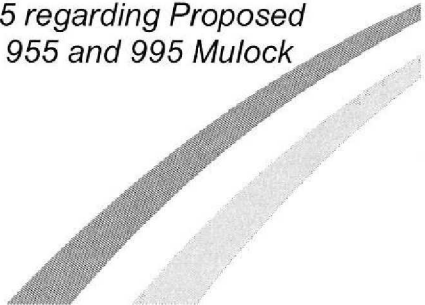
THAT Development and Infrastructure Services Report – Engineering Services 2016-09 dated February 10, 2016 regarding the letter received from YRSCC 969 and YRCC 944 with respect to the Application for Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision for Lorne Park Gardens Inc., located at 955 – 995 Mulock Drive, be received and the following recommendation(s) be adopted:

- 1. THAT the Town not consider assuming responsibility for maintenance of the storm sewer system located within the YRSCC 969 and YRCC 944 lands.**
- 2. AND THAT, Ms. Wendy Gamoyda, President of YRSCC 969 and Mr. Scott Stewart, President of YRCC 944 be notified of this action.**

COMMENTS

To assist in identifying the two subject properties further in this report, we have referenced the YRSCC 969 and YRCC 944 lands as the '**Owners**', and the 955 – 995 Mulock Drive lands as, '**Lorne Park Gardens**'. (See map attached)

Council at their meeting dated December 14, 2015, approved Item #30, Development and Infrastructure Services – Planning and Building Services Report 2015-43, dated November 19, 2015 regarding the application for Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision – Lorne Park Gardens Inc., wherein recommendation (iv) of the Council Extract recommended in part; *“And That the letter from Ms. Wendy Gamoyda, President, YRSCC 969 and Mr. Scott Stewart, President, YRCC 944 dated November 30, 2015 regarding Proposed townhouse Development Official Plan and Zoning amendment Application, 955 and 995 Mulock*

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Drive – Report 2015-43 to the Town of Newmarket Committee of the Whole be received and referred to staff.” (See letter attached)

The subject letter is a request for the Town to consider assuming responsibility for maintenance of their existing storm and sanitary sewer systems. The letter also made reference for maintaining the noted systems within the ‘new development’ (Lorne Park Gardens). As Lorne Park Gardens is currently going through the subject application, we have not included this development in our review, as it is pre-mature to provide comments and recommendations at this time. Further, the Owners confirmed via email to staff that they are not looking for the Town to take over maintenance of Bogart Pond.

Staff along with the Town’s Checking Consultant (RJ Burnside) reviewed the subject letter and based on the following, is recommending that the Town not consider taking over the responsibility of the existing storm and sanitary sewer systems:

Storm Sewer System (system):

As part of the approved Site Plan Agreement (SPA), the Owners agreed to design and construct a storm connection stub, to accommodate a future connection from the adjacent Lorne Park Gardens property. The Owners also agreed as part of the SPA, to grant a license in the nature of an easement in favour of the adjacent lands, for storm drainage purposes. As the Owners had agreed to design and construct their system to convey future external storm drainage, the responsibility for maintenance should remain with the Owners. The Owners should work out any future maintenance arrangements through private agreements with Lorne Park Gardens, should their development be approved.

The condition of the system is not known and there could be significant costs to the municipality, should any part of the system require repairs and/or replacement.

As the system is located entirely on the Owners lands, the Town may have difficulty maintaining storm water quality. This could be problematic, as the municipality could be liable for any spills and associated clean-up costs. As such, the responsibility for maintenance of the system should remain with the current Owners.

Should Council deem it acceptable to take over responsibility for maintenance of the system, staff suggest that consideration be given to the following:

That the Owners, at their sole cost, carry out a condition analysis of the system and provide a report, to the satisfaction of the Director, Engineering Services.

That any and all recommendations noted in a condition analysis report be carried out by the Owners, at their sole cost and to the satisfaction of the Director, Engineering Services.

Establishing a ‘perpetual maintenance fee’, that the Owners will be required to pay annually to the Town.

That the Owners be responsible for any and all costs associated with conveying and registering the necessary easements, R-Plans, Agreements, etc.

That the Town be responsible for maintaining only the section of the system, from the existing manhole on Creekfront Way, (where the Lorne Park Gardens storm connection connects to the system) to the existing storm sewer outlet at Bogart Creek.

Sanitary Sewer System;

With respect to the Owners request for the Town to maintain the existing sanitary sewer, staff confirms that the Town currently maintains a portion of the existing sanitary sewer (by way of existing easements). The section of the sanitary sewer that the Town currently maintains is referred to as a 'trunk sanitary sewer', as it conveys flows from external lands south of Mulock Drive. The remaining sanitary sewer system functions as a local system with no external flows, therefore maintenance of this local system should remain private.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Provide efficient, effective and environmentally sound maintenance services to an appropriate level that achieves Council and/or Provincially mandated services levels, which meet public health and safety requirements and enhances quality of life while ensuring that system capital assets retain their value and are managed and funded according to sustainable, lifecycle based principles and practices.

CONSULTATION

Consultation has been at a staff level with Engineering Services, Public Works Services and the Town's Checking Consultant (RJ Burnside), in preparation of this report. Staff also consulted further with Ms. Wendy Gamoyda, President of YRSCC 969, to obtain clarification and confirmation with respect to the applicant's request.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT

Operating Budget

The Operating Budget is not impacted as a result of the recommendation in this report.

Capital Budget

The Capital Budget is not impacted as a result of the recommendation in this report.

CONTACT

For more information on this report, contact; Rick Bingham, C.E.T., Manager, Engineering Services at 905-953-5300 ext. 2505 or rbingham@newmarket.ca



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



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

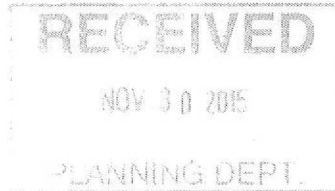


Peter Noehammer, P.Eng.,
Commissioner, Development and Infrastructure Services

jlk:RDB

November 30, 2015

Town of Newmarket
395 Mulock Drive
Newmarket, ON



HAND DELIVERED

Re: Proposed Townhouse Development Official Plan and Zoning Amendment Applications, 955 and 995 Mulock Drive - Report 2015-43 to the Town of Newmarket Committee of the Whole

Attn: Mr. Dave Ruggle, Senior Planner

We are writing you to address Report 2015-43 being presented to the Town of Newmarket Committee of the Whole today on the Official Plan Amendment and Zoning Bylaw Amendment for the development proposal at 955 and 995 Mulock Drive.

First of all, we want to express our appreciation for being included in the approval process; many of our residents and several representatives of our respective Boards attended and spoke at the public meeting last January on a number of issues, and we are pleased to see that many of those issues have been addressed through changes to the proposal or as conditions of approval. In particular, we are pleased to see the rezoning of the woodlot on the north portion of the site to a site specific Environmental Protection (OS-EP) zone, the requirement for an Edge Management Plan and Tree Preservation & Protection Plan, and a requirement for an Ecological Offsetting Plan - with respect to this latter requirement, we are prepared to consider the use of our properties for off-site plantings by the developer to help meet this requirement, and will be raising this possibility with them and the LSRCA.

Secondly, we wanted to confirm that with the assistance of Councillor Kerwin, representatives of our Boards met with the developer last April. We are in the process of meeting them again shortly to discuss specific matters related to construction access, confirmation of capacity and shared maintenance for the storm and sanitary sewers, the location, height, design and construction of any retaining walls abutting our properties, and other property edge treatments such as landscaping. As noted in the staff report on Page 6, we are engaged in positive discussions with the developer and anticipate coming to a resolution on these matters soon. We will keep you informed as to the progress of those discussions.

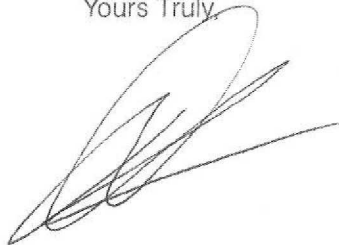
Finally, we would like to discuss with the developer and the Town the possibility of transferring responsibility for maintenance of the storm and sanitary sewer systems through our properties from the respective condominium corporations to the Town. Once the new townhouse development is completed, these systems will no longer simply service our development and will become an integrated part of the larger municipal system. It makes sense under this new development pattern to have the systems maintained in a coordinated fashion by the Town.

So in summary:

1. We are generally in support of the staff report and the conditions of Official Plan and Zoning Bylaw Amendment approval;
2. We will continue to meet with the developer to discuss access for servicing connections and other matters and will advise the Town when all matters have been resolved;
3. We request that the Town consider assuming responsibility for maintenance of the storm and sanitary sewer systems for the new development and our development.

Thank you for your consideration. We would be pleased to meet with the Town on any of these matters. If you have any questions or wish to meet, please contact Buran Zeiadin of FirstService Residential, agents for and on behalf of Y.R.S.C.C. and YRCC 944 at 416-847-7253.

Yours Truly,

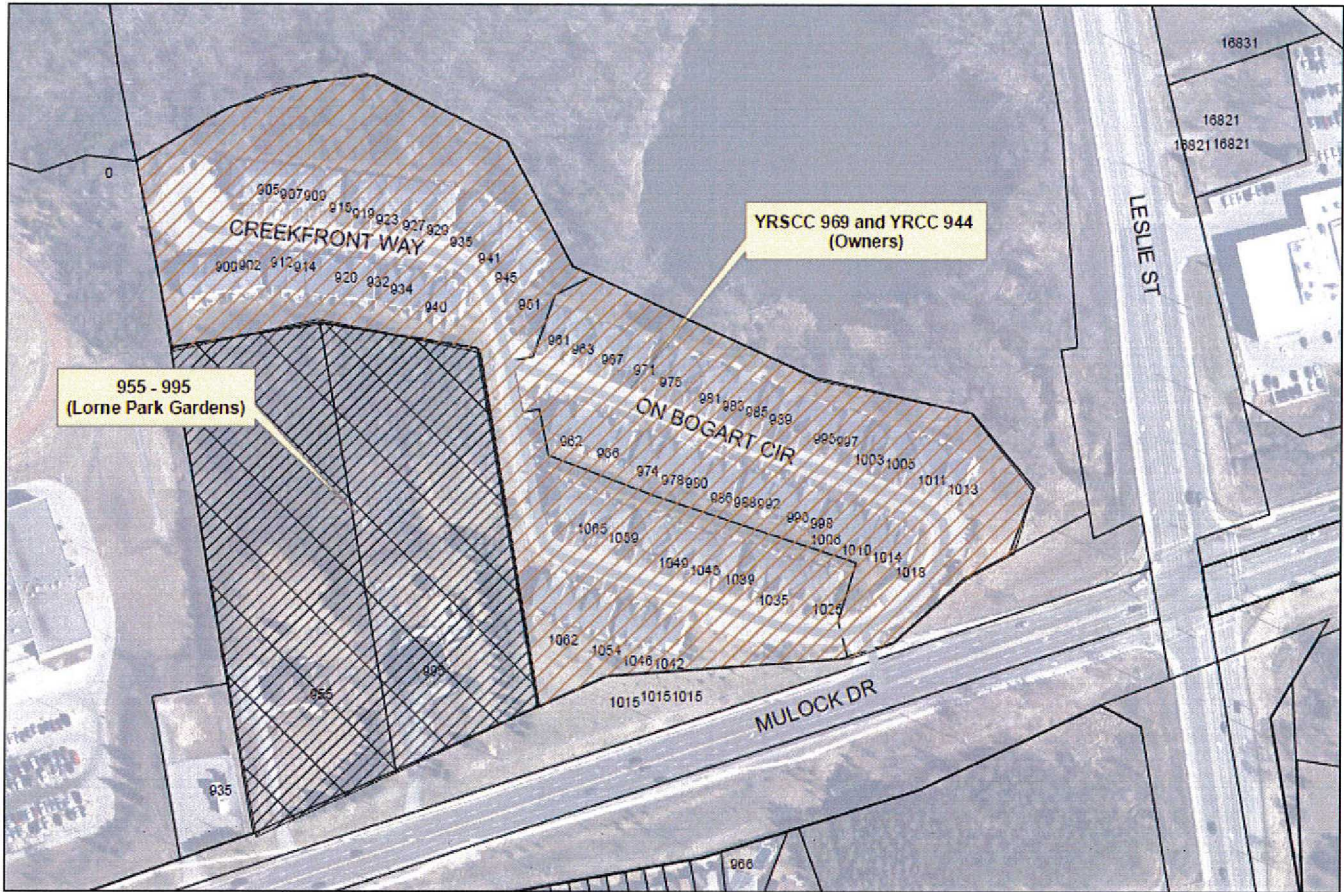


for Wendy Gamoyda
President
Y.R.S.C.C. 969



Scott Stewart
President
YRCC 944

- c. Clerk, Town of Newmarket
Mr. Dave Kerwin, Councillor
Ryan Guetter, Weston Consulting
Mr. Buran Zeiadin, FirstService Residential



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