



PLANNING AND BUILDING SERVICES
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November 28, 2016

Development and Infrastructure Services

Planning and Building Services - Planning Report 2016-33

To: Committee of the Whole

Subject: Application for Zoning Bylaw Amendment and
Draft Plan of Subdivision
281 Main Street North
East side of Main Street North, north of Davis Drive
Dora Homes Inc.
D12 NP12 20 and D14 NP12 20

Origin: Planning and Building Services

Recommendations

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-33 dated November 28, 2016 regarding Application for Zoning By-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

- 1. THAT approval be given to Draft Plan of Subdivision 19T-12N04, subject to the schedule of conditions set out in Attachment 4 - Appendix "A" attached to and forming part of this Report;**
- 2. THAT Council amend Zoning By-law 2010-40 for lands located at 281 Main Street North substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report, and that Staff be directed to prepare the necessary Zoning By-law Amendments including a Holding Provision (H) prefix as necessary; and**
- 3. THAT Nicole Sampogna of Evans Planning Inc., 8481 Keele Street, Unit 12, Vaughan, Ontario, L4K 1Z7 be notified of this action.**

Comments

Location

The subject land is located on the east side of Main Street North, south of Old Main Street being Part of Lot 98, Concession 1, EYS, Part 2, 65R-3687 (see location map attached). There is currently a single detached dwelling on the property.

The subject lands have an approximate area of 5421.3 square metres, a lot frontage of approximately 65 metres on Main Street North and 85 metres on Old Main Street (formerly Deviation Road). The lands contain an existing one story residential dwelling, with two accessory buildings.

The surrounding land uses are:

North: across Old Main Street, existing townhouse residential dwellings on Jim Barber Court
South: Town-owned property zoned Open Space
East: GO Transit railway
West: existing low density residential dwellings (across Main Street North)

Proposal

Applications have been submitted for a Zoning By-law Amendment and Draft Plan Approval. The applicant is proposing to rezone the subject lands from the existing Residential Detached Dwelling 30m (R1-B) Zone to the Residential Townhouse Dwelling 3 (R4-R) and Open Space Environment Protect OS-EP Zones to permit the construction of 9 townhouse units on a proposed private road and 2 semi-detached units fronting onto Old Main Street, for a total of 11 units. Site-specific policies are proposed to be included to allow both townhouses and semi-detached dwellings and implement the development standards as proposed.

The applicant has applied for a Draft Plan of Subdivision to create one lot which will ultimately allow the applicant to create a condominium road and individual lots through the Draft Plan of Condominium and Part Lot Control Exemption processes. The developer is intending on providing Parcels of Tied Land (POTL) to the home purchasers; this is a type of condominium where the new home owner purchases the POTL which includes the townhouse along with the front and rear yard but the parcels front onto a condominium road. Ultimately, the lot lines are established through Part Lot Control Exemption which occurs once the building foundation is constructed to ensure the dividing line falls exactly on the common wall between townhomes. Should the rezoning and Draft Plan be approved, the applicant will then need to apply for Site Plan Approval, Part Lot Control Exemption, and Draft Plan of Condominium.

Analysis of Public Submissions

Council held the required statutory Public meeting on December 10, 2012 and comments focused on the following:

Tree preservation

Members of the public and members of Council expressed concern with the removal of trees on the site and expressed a desire to preserve as many trees as possible to preserve privacy. Arborist reports have been submitted and reviewed as per the requirements of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy. 95 trees are proposed for removal, for a total aggregate width of 1,639 cm. 34 trees are proposed to be retained. The Town will require 273 suitable replacement trees of 60mm caliper size or an equivalent number of larger caliper trees to replace the same aggregate width of the removed trees. Any trees not replaced on the site will be required to be paid in cash value to the Town.

Parking

One resident expressed concern that parking from the proposed development would "spill over" onto Jim Barber Court. The proposed development provides for resident and visitor parking according to the zoning by-law. As with any area of town, on-street parking is regulated and is enforced on a complaint basis.

Provincial Policy Statement (PPS) and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include providing an appropriate range and mix of housing types and densities, facilitating residential intensification, directing development to areas with appropriate infrastructure, and facilitating a compact development form that promotes transit and active transportation. The PPS also requires planning for land use in the vicinity of rail facilities to be appropriately designed and buffered from noise and to ensure the long-term viability of the rail facilities. This application supports and is consistent with the PPS. Council's planning decisions are required by the Planning Act to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan directs new growth to built-up areas through intensification, supports compact mixed-use developments, and promotes transit-supportive developments. Council's planning decisions are required by the Planning Act to conform with the Growth Plan for the Greater Golden Horseshoe and staff have reviewed the proposed development for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan Considerations

The subject property is designated Emerging Residential on in the 2006 Official Plan. The Emerging Residential permitted uses include single and semi-detached dwellings, and include rowhouses and townhouses subject to a review of the proposed densities as a part of the application process.

Section 3.9 of the Official Plan regarding intensification in emerging residential areas indicates that townhouses are an appropriate form of development subject to submission of a planning justification report. Staff concur with the findings of the justification report that the development of townhouses in this area is an appropriate form of development and intensification in a serviced area that will more efficiently use the municipal streets and services.

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north; the rail corridor to the east, open space to the south, and single detached residential homes extending to the southwest.

With regard to the physical suitability of the site to accommodate the proposed development, the lands are gently sloped to the south and contain a ridge which runs through the area, which causes a portion of the property to slope and drain to the northeast. The soil conditions were found to be acceptable for the proposed structures.

The availability of hard services to accommodate the development is discussed further in this report under "Servicing Review" below.

Road access is also discussed further below under Roads and Traffic.

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 30m zone (R1-B) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) zone to implement the plan. Site-specific policies are proposed to be included to allow both townhouses and semi-detached dwellings and implement the development standards as proposed.

Staff have considered Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;

The applicant has applied for a Zoning By-law amendment that would permit townhouses on these lands. As a result of the review and analysis of the submitted studies and reports in light of the policies of the Official Plan, staff are of the opinion that the proposed amendment is in conformity with the Official Plan. All relevant policies of the Official Plan have been addressed.

- b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north; the rail corridor to the east, open space to the south, and single detached residential homes extending to the southwest. Appropriate buffering from the adjacent railway corridor is required, and will be ensured both through the proposed setback and through physical barriers.

- c. potential nuisance effects upon adjacent uses are mitigated;

Nuisance effects typically refer to impact of noise and airborne particles on occupiers of neighbouring properties. It is not anticipated that this development will cause any nuisance effects with the exception of construction activities which will be addressed in a construction management plan at the detailed design stage.

- d. adequate municipal services are available;

Servicing is discussed below under "Servicing Review".

- e. the size of the lot is appropriate for the proposed use;

The proposed townhome development can be appropriately accommodated on these lands at a suitable density that is in keeping with the surrounding area.

- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

This proposal has access from Old Main Street, and there are no concerns with the ability of the streets to accommodate the traffic.

- g. the on-site parking, loading and circulation facilities are adequate; and,

The private road is adequately sized to meet town standards, will be privately owned, and is sufficient for emergency services. Each townhouse includes an attached garage and a driveway that can accommodate at least one vehicle. The visitor parking is being provided in accordance with the Town's Zoning By-law requirements.

- h. public notice has been given in accordance with the Planning Act.

Public Notice was provided in accordance with the Planning Act by providing direct mail out to the surrounding community and Notice signs being erected on the property. The Statutory public meeting was held on December 10, 2012.

The Holding Provision under the Planning Act is recommended with the requirements for removal to include allocation of servicing by Council and that the necessary agreements have been entered into.

Roads and Traffic

Old Main Street is a road under the jurisdiction of the Town. Engineering Services has reviewed the traffic reports and have provided no objection to the applications. Engineering agrees that no road improvements are required to accommodate this project. The private road cannot accommodate municipal snow plows and garbage collection trucks, and these services will be provided privately by the condominium.

The Main Street North By-Pass was recently urbanized along the frontage of this property and an asphalt path constructed on the east side of the road. The developer will be required to construct a 1.8m wide sidewalk along the frontage of this property. The south side of Old Main Street is to be widened, urbanized, and a 1.8m sidewalk constructed along the frontage of this property.

Servicing Review

Engineering Services have reviewed the Functional Servicing Report and have provided the following comment on the proposal.

Sanitary Servicing: A privately maintained sanitary sewer will be constructed to service the new units within the condominium. The sewer will outlet to the existing sewer on Jim Barber Court. Adequate capacity exists for the flows that will be generated by this development.

Storm Drainage: Stormwater from the proposed development will be controlled on-site and will discharge at or below predevelopment rates for all storms up to the 100-year event. Quantity and quality control will be provided with an oil/grit separator, infiltration gallery, and an underground storage tank. Foundation drainage will be provided with sump pumps which will discharge to the ground surface, with the pumps to be maintained by the condominium corporation.

Water Distribution: Water supply for this development will be provided by constructing a watermain on the new private road. A bulk water meter will be provided at the street line to meter water for all units in the condominium. A detailed watermain analysis has not been carried out in the Functional Servicing Report. This will be required at the detailed design stage. The final design must demonstrate that adequate flows and pressures can be provided and must demonstrate that the water in the dead end watermain be proposed will remain potable at all times.

Servicing Allocation

Servicing has not been allocated to this development. Allocation will be reviewed through the annual servicing allocation review in the spring of 2017.

Draft Plan Conditions

As a result of the circulation of the particulars of this proposal, the Planning Department has received comments from various agencies. In those instances where appropriate conditions have been recommended, they have been included in Appendix "A", along with the normal and usual Town of Newmarket and agency Conditions of Draft Plan approval. Should the rezoning and Draft Plan be approved, the applicant will then need to apply for Site Plan Approval, Part Lot Control Exemption, and Draft Plan of Condominium.

Engineering Services Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) The Owner shall agree to create a Condominium Corporation which will be responsible for the maintenance of all works external to the buildings. The works shall include but not be limited to roads (including snow plowing and garbage collection), storm and sanitary sewers, Stormwater management facilities, watermain, sump pumps, landscaping including grass cutting, and noise and safety berms and fences.
- (2) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 1.8 metre wide concrete sidewalk along the entire Main Street North By-Pass and Old Main Street frontages of this property.
- (3) That the owner be required to convey to the Town free of all charges and encumbrances, the areas of Block 1 for road widening and Block 2 for a daylighting triangle as shown on draft plan of subdivision prepared by Evans Planning dated February 13, 2015;

Lake Simcoe Region Conservation Authority Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) That prior to final approval, a detailed floodplain delineation be prepared to the satisfaction of the LSRCA.

GO Transit Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 5.5 metre high barrier, consisting of a 3.0 metre berm and a 2.5 metre wall on top, along the southeast property line, which reflects the reduced setback and meets the requirements of GO Transit.

Budget impact (current and future)

Application fees have been received, and the Town will receive revenue from assessment fees, development charges and permit fees from any land use decisions made on the subject properties.

Business plan and strategic plan linkages

This application for Draft Plan of Subdivision supports the Community Strategic Plan by being *Well*-planned & connected through the implementation of the Official Plan; being *Well*-equipped & managed by

providing for varied housing types and densities within the area; and, being *Well* Balanced by encouraging a sense of community through an appropriate mix of land uses and amenities.

Contact

For more information on this report, contact: Ted Horton - Planner, at 905-953-5321, ext 2458; thorton@newmarket.ca

Attachments

- 1 – Location Map
- 2 – Draft Plan of Subdivision
- 3 – Proposed Site Plan
- 4 – Appendix "A" (Conditions of Draft Approval)



Commissioner Development and Infrastructure
Services

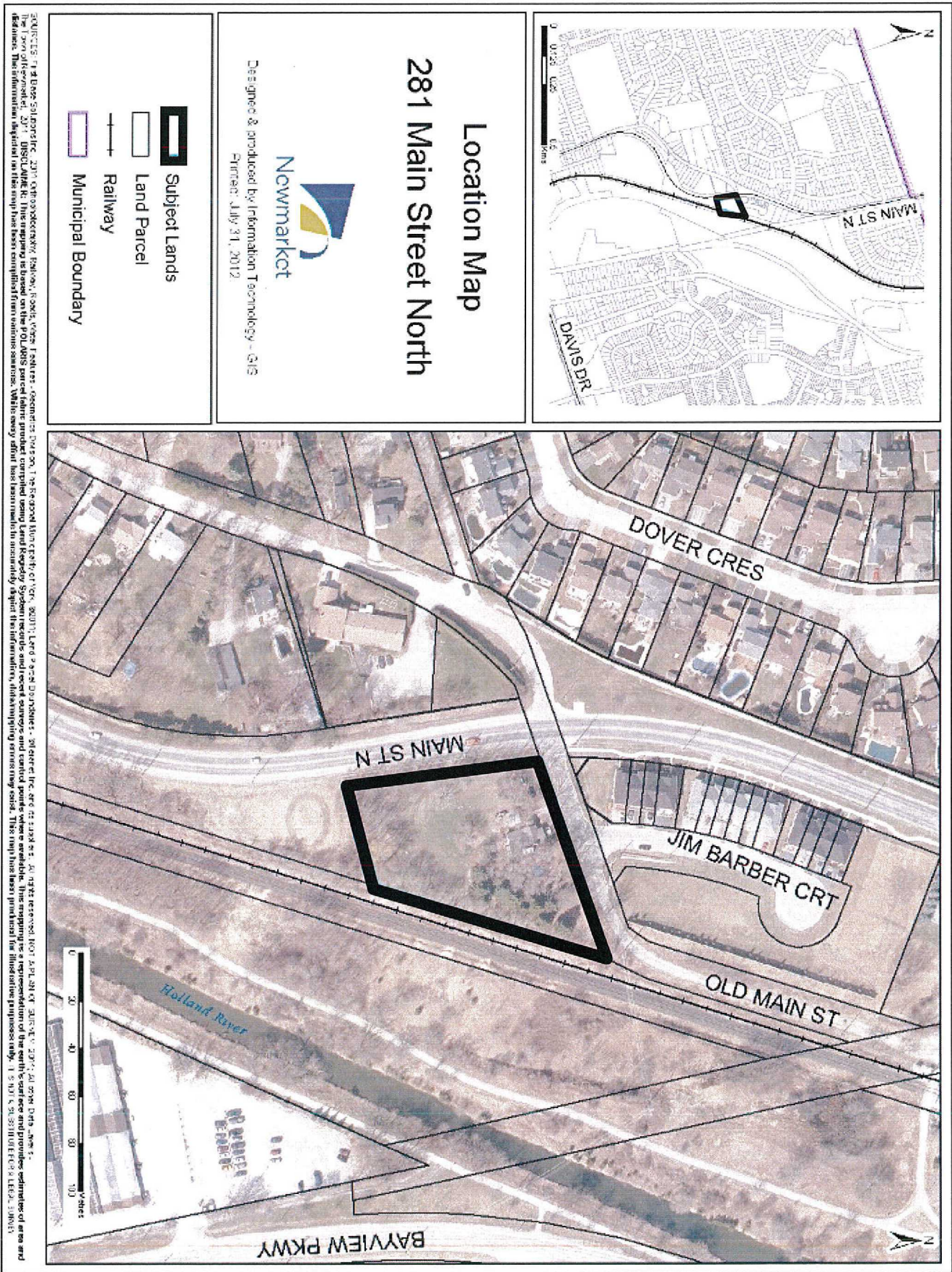


Director of Planning and Building Services

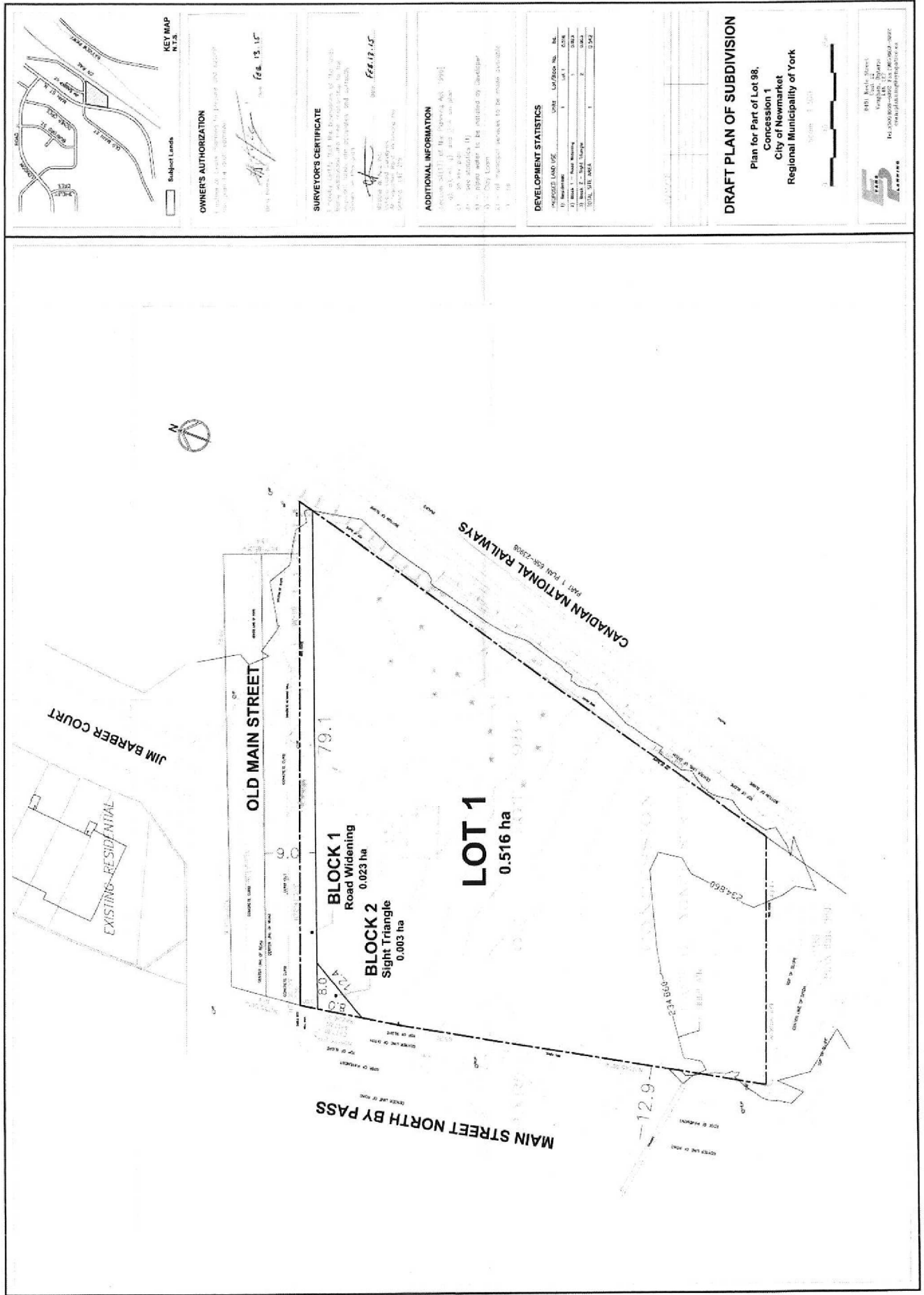


Planner

Attachment 1 – Location Map



Attachment 2 – Draft Plan of Subdivision



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THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-12N04 ARE AS FOLLOWS:

Town Conditions

- (1) The Owner shall agree to create a Condominium Corporation which will be responsible for the maintenance of all works external to the buildings. The works shall include but not be limited to roads (including snow plowing and garbage collection), storm and sanitary sewers, Stormwater management facilities, watermains, sump pumps, landscaping including grass cutting, and noise and safety berms and fences.
- (2) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 1.8 metre wide concrete sidewalk along the entire Main Street North By-Pass and Old Main Street frontages of this property.
- (3) That draft approval shall relate to the draft plan of subdivision prepared by Evans Planning dated February 13, 2015 showing Block 1 for road widening, Block 2 for a daylighting triangle, and Lot 1 for the proposed development.
- (4) That the owner be required to convey to the Town free of all charges and encumbrances, the areas of Block 1 for road widening and Block 2 for a daylighting triangle as shown on draft plan of subdivision prepared by Evans Planning dated February 13, 2015;
- (5) All road allowances shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (6) The Owner shall enter into a Subdivision and/or Site Plan Agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the Planning Act.
- (7) The Owner shall agree in the Subdivision and/or Site Plan 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.
- (8) 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 roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (9) 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.
- (10) The Owner shall agree in the Subdivision and/or Site Plan Agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the Subdivision and/or Site Plan 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.

- (11) The Owner shall agree in the Subdivision and/or Site Plan 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.
- (12) The Owner shall agree in the Subdivision and/or Site Plan 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.
- (13) The Owner shall agree in the Subdivision and/or Site Plan 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 and/or Site Plan Agreement (when approved by the Town of Newmarket); and
 - (d) any other requirements as may be set out in the Subdivision and/or Site Plan Agreement

Further, the Owner shall agree 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.

- (14) The Owner Shall Agree in the Subdivision and/or Site Plan Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (15) The Owner shall agree in the Subdivision and/or Site Plan 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 Transportation Demand Management options of the Town and York Region, including but not limited to the available services of York Region Transit, VIVA, GO

- Transit, the Town's trail and active transportation network, Smart Commute, and park-and-ride facilities; and
- (c) 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 re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (16) The Owner shall agree in the Subdivision and/or Site Plan Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector for each unit) required for the development and provide said containers to each purchaser at the time of occupancy.
- (17) Where required by the Town, the Owner shall agree in the Subdivision and/or Site Plan 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 affected by the following matters such as but not limited to:
- (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) Proximity to Active Farms and Agricultural Uses;
 - (h) 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.

Regional Municipality of York Conditions

- (18) Prior to or concurrent with draft plan approval for any residential units, the Owner shall enter into an agreement with the Town of Newmarket, which agreement shall be registered on title, committing the owner to:
- A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a. The Town approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- Or

- b. i. The Council of the Town of Newmarket has allocated, within the limit of the Regional capacity assignment, adequate available water and wastewater servicing capacities to the subject development; and,
- ii. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the Town allocation used for the subject development;

Or

- c. The Regional Commissioner of Environmental Services and the Town of Newmarket confirm servicing capacity for this development by a suitable alternative method and the Town allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

- (19) Prior to draft plan approval for any residential units, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-12N04, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.
(* the term 'end users' for the purpose of the above-noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.
- (20) The road allowance included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
- (21) Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (22) Prior to final approval, the engineering drawing showing the layout of the watermains, sewers and connections to existing systems shall be submitted to Capital Planning and Delivery Branch for review.
- (23) The Owner shall agree in the Subdivision and/or Site Plan Agreement that the Owner shall 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.
- (24) For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The

Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:

- The Town of Newmarket approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
 - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
 - The Regional Commissioner of Environmental Services and the Town of Newmarket confirm servicing capacity for this development by a suitable alternative method and the Town allocates the capacity to this development.
- (25) Prior to final approval, the Owner shall provide a copy of the Subdivision and/or Site Plan Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- (26) 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 prior to final approval in accordance with By-law #2012-36 or its successors.
- (27) The Regional Transportation and Community Planning Department shall advise that its conditions have been satisfied.

Lake Simcoe Region Conservation Authority

- (28) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority:
- A. A detailed Stormwater Management Report in conformity with the designated stormwater management policies of the Lake Simcoe Protection Plan (LSPP) (DP-4.8 – 4.11) and LSRCA Technical Guidelines for Stormwater Management submissions;
 - B. A detailed Erosion/Sedimentation Control Plan;
 - C. A detailed Grading and Drainage Plan;
 - D. A Water Balance as per Designated Policy 4.8 of the LSPP; and,
 - E. A Phosphorous Budget in accordance with Designated Policy 4.8 of the LSPP.
- (29) That prior to final approval, a detailed floodplain delineation be prepared to the satisfaction of the LSRCA.
- (30) Should any minor filling within the floodplain be required, prior to final approval an incremental cut/fill balance be prepared to the satisfaction of the LSRCA confirming the maintenance of floodplain storage.
- (31) That prior to final approval, a Landscape Restoration Plan be prepared to the satisfaction of the Town and the LSRCA.

- (32) 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, reports, and studies as approved by the LSRCA.
- (33) 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, reports, and studies as approved by the LSRCA.
- (34) That the Owner shall agree in the Subdivision Agreement that prior to any major site alteration or grading, proper erosion and sediment control measures must be put in place in accordance with the approved Erosion and Sedimentation Control Plan and Grading Plan.
- (35) That the Owner shall agree in the Subdivision Agreement to ensure the following measures are implemented in accordance with 4.20-DP of the Lake Simcoe Protection Plan:
 - A. Keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity;
 - B. Removal of vegetation shall not occur more than 30 days prior to grading and construction;
 - C. Put in place structures to control and convey run-off;
 - D. Minimize sediment that is eroded offsite during construction;
 - E. Seed exposed soils once construction is complete and seasonal conditions permit; and,
 - F. Ensure erosion and sediment controls are implemented effectively.
- (36) That the Owner shall agree in the Subdivision Agreement to monitor, inspect and maintain the stormwater management works on a periodic basis in accordance with 4.10 & 4.11 – DP of the LSPP.
- (37) That the Owner shall agree in the Subdivision Agreement to grant any easements required for stormwater management purposes to the Town.
- (38) That prior to final plan approval, the Owner shall successfully apply and amend the Zoning By-law to re-zone lands from the Open Space – 2 (OS-2) Zone to Open Space – Environmental Protection (OS-EP) Zone.
- (39) That prior to final plan approval and any site alteration works commencing; the Owner shall obtain a permit from the LSRCA for any works within an area subject to Ontario Regulation 179/06 under the Conservation Authorities Act.
- (40) That prior to final plan approval, the Owner shall pay all the required development fees to the Conservation Authority in accordance with the LSRCA's Fees Policy under the Conservation Authorities Act.

Newmarket Hydro

- (41) The Owner shall agree in the Subdivision and/or Site Plan 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.

Bell

- (42) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

Canada Post

- (43) The Owner shall agree in the Subdivision and/or Site Plan Agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (44) The Owner shall agree in the Subdivision and/or Site Plan Agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (45) The Owner shall agree in the Subdivision and/or Site Plan Agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
- (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
 - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
 - (c) any required curb depressions for wheelchair access.
- (46) The Owner agrees in the Subdivision and/or Site Plan Agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 73 is completed at the permanent Community Mailbox site location(s).

GO Transit

- (47) The Owner shall agree in the Subdivision and/or Site Plan Agreement to design and construct at its sole cost a 5.5 metre high barrier, consisting of a 3.0 metre berm and a 2.5 metre wall on top, along the southeast property line, which reflects the reduced setback and meets the requirements of GO Transit.
- (48) The Owner shall implement the recommendations set out in the subject Noise Control Feasibility Study and ensure that appropriate noise mitigation measures are incorporated into the development.
- (49) The Owner shall enter into a development agreement, stipulating how GO Transit issues will be addressed, and will pay Metrolinx's reasonable costs in preparing and negotiating the agreement. The agreement will include an environmental easement, to be registered on title of all residential units and in favour of Metrolinx.

Other

- (50) The Town of Newmarket shall advise that Conditions 1 to 17 inclusive have been satisfied.

- (51) The Region of York shall advise that Conditions 18 to 27 inclusive have been satisfied.
- (52) The Lake Simcoe Region Conservation Authority shall advise that Conditions 28 to 40 inclusive have been satisfied.
- (53) Newmarket Hydro shall advise that Condition 41 has been satisfied.
- (54) Bell Canada shall advise that Condition 42 has been satisfied.
- (55) Canada Post shall advise that Conditions 43 to 46 inclusive have been satisfied.
- (56) GO Transit shall advise that Conditions 47 to 49 inclusive have been satisfied.

ISSUED at Newmarket this day of , .

Richard Nethery, B.E.S., M.C.I.P., R.P.P.

Director of Planning and Building Services

NOTE: 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.