



PLANNING AND BUILDING SERVICES
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7
www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

April 17, 2014

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES
REPORT 2014-17**

TO: Committee of the Whole

SUBJECT: **Application for Draft Plan of Subdivision and Zoning Bylaw Amendment
19TN 2005 004 PHASE 2
Part of Lot 29, Concession 11, E.Y.S.,
Blocks 1 and 2 Registered Plan 65M-2559
National Homes Inc.
Files: D14-NP12 29/D12-NP12 29**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2014-17 dated April 17, 2014 regarding Application for zoning bylaw Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

- a) THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 2, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;
- b) AND THAT staff be directed to prepare the necessary zoning bylaw amendment for Phase 2;
- c) AND THAT Servicing allocation for Phase 2 of this subdivision be granted in the amount of 11 single family units (36 population)
- d) AND THAT Mark Pavkovic 291 Edgeley Boulevard, Suite #1, Concord ON, L4K 3Z4 be notified of this action.

COMMENTS

Location

Lands located at the terminus of Newpark Boulevard. (See Location Map attached)

Proposal

The applicant is proposing to rezone the subject property from the existing Transitional zoning to Residential Detached Dwelling R1-C (18m zone) and R1-D (15m zone) to permit a draft plan of

subdivision containing 11 single family units as a Phase 2 of the previously approved subdivision to the east.

Background

Council, through Development and Infrastructure Services/Planning and Building Services Report 2013-49 dated October 10, 2013 approved Phase one of this subdivision at their November 12, 2013 Committee of the Whole meeting. The Phase one approval consisted of 131 single family units with frontages ranging from 10.7m to 15.24m, a park block and Open Space lands.

Originally, the applicant was pursuing the extension of Robellino Court as a proposed access to the lands forming Phase 2 of this development. The applicant subsequently revised the plan to detail a road connection from the Phase 1 lands, over the creek to access this parcel. Through the approval of Phase 1, a portion of the road on the phase one lands has been shown as a future road on the draft plan. At the time the Phase 1 plan was advanced enough to recommend draft plan approval, there were outstanding issues related to the road crossing and vegetative buffer on the east side of the creek.

The Lake Simcoe Region Conservation Authority have approved a 15 meter vegetative buffer for the west side of the creek (Phase 1) from the typical 30 metres required. The LSRCA have been reviewing the appropriateness of a reduction to the required buffer on the east side and have recently provided comments and draft plan conditions for approval of this Phase. The Phase 1 draft plan conditions have been reproduced for phase 2 with the required changes to the LSRCA conditions as per their comments. The proposed draft plan conditions for Phase 2 are attached as Appendix 'A'.

Official Plan Considerations

The subject property is designated Emerging Residential in the 2006 Official Plan which permits single family detached dwellings. Section 3.3.2(3) of the residential policies of the Official Plan discuss compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. Where this proposal abuts existing residential lots, the lots being proposed are generally of a similar size or larger. The lots immediately abutting existing lots on Robellino Court are proposed with an 18m frontage with the remainder of the lots being 15.25m

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 Transitional by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Phase 2 lands to the Residential Detached Dwelling 15m (R1-D) zone and the Residential Detached Dwelling 18m (R1-C) zone to implement the plan for 11 lots. As the recommendations of this report propose to allocate servicing to this development, the Holding (H) provisions of the Planning Act will not be required in the event the property is rezoned.

If Council do not allocate servicing to the proposed development, the Holding provision will be utilized.

Statutory Public Meeting

Council held the required statutory Public meeting on April 8, 2013 and public comments focused on the following which were addressed through Development and Infrastructure Services/Planning and Building Services Report 2013-49:

- Lotting is within the Regulatory area of the LSRCA for the lots east of the creek
- Traffic Issues: Entry points for the subdivision and emergency access; pedestrian safety; proper data collection coinciding with school peak activity times;
- Noise issues related to Bodycote
- Soccer club – there is a desire from the soccer club to ensure any new residents are aware that the soccer club is adjacent to the proposed development.

Servicing Allocation

The Town currently has an uncommitted servicing allocation reserve of 4025 people. If the recommendations of this report are adopted, the Town will be left with an uncommitted reserve of 3989 people (4025 – 36) of which 1000 is to be dedicated to the urban centres as per the last assignment from the Region.

Other Community Benefits

In addition to contributing to the development of the Town's trail system through the Servicing Allocation Policy's trail contribution program, the developer has also agreed to provide \$500 per lot towards the Town's Public Art Program, and to provide \$50,000 (through phase 1) to be directed to funding a new community sign to be located along Highway 404.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed draft plan of subdivision is consistent with the PPS by providing an appropriate residential density in the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

This proposal appears to be consistent with the relevant provisions the Provincial Policy Statement (2005).

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Living Well: protecting and enhancing environmentally sensitive features

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

Capital Budget

There is no direct capital budget impact as a result of this report.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision



Commissioner Development and Infrastructure
Services



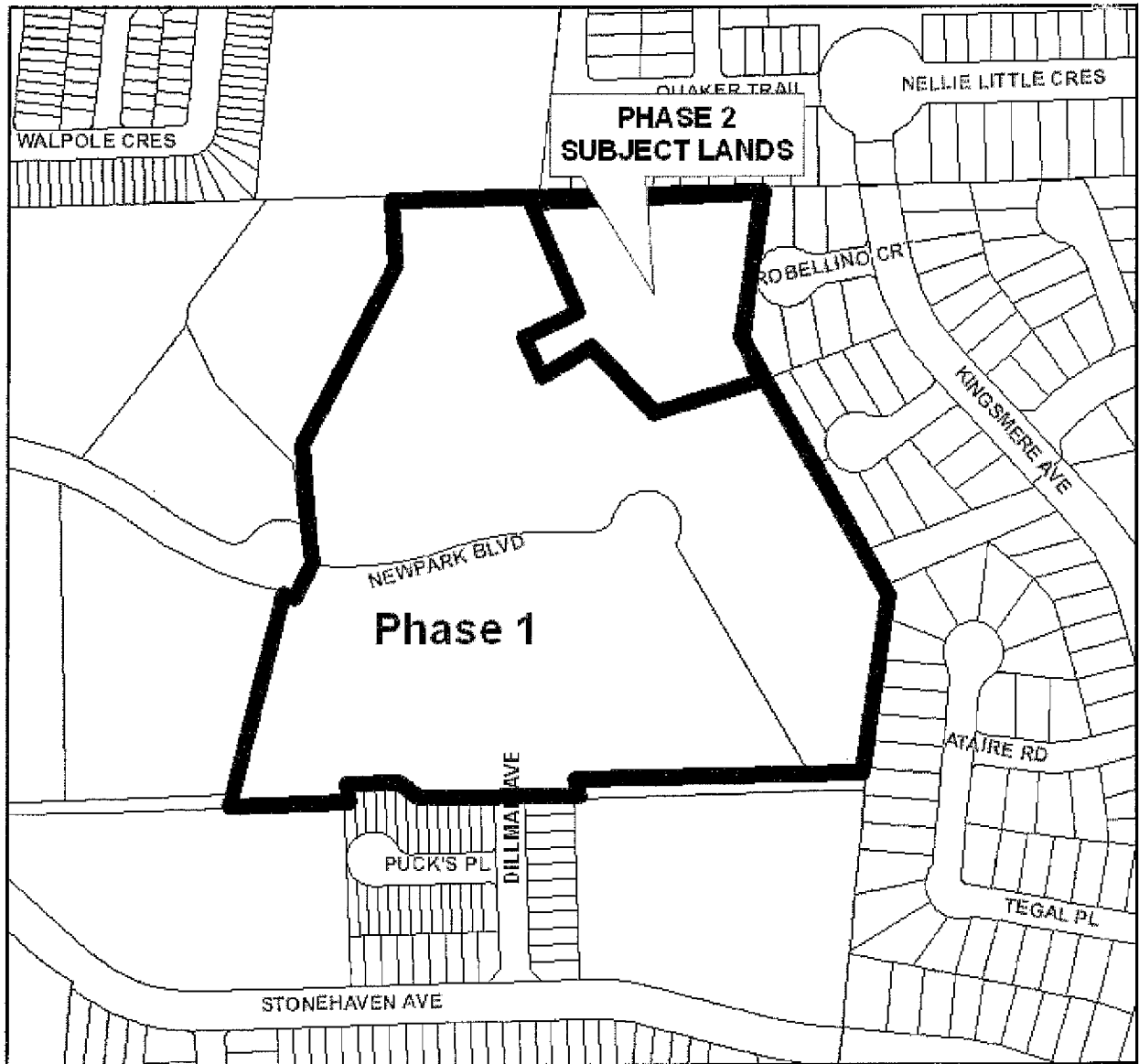
Senior Planner – Community Planning



Director of Planning and Building Services

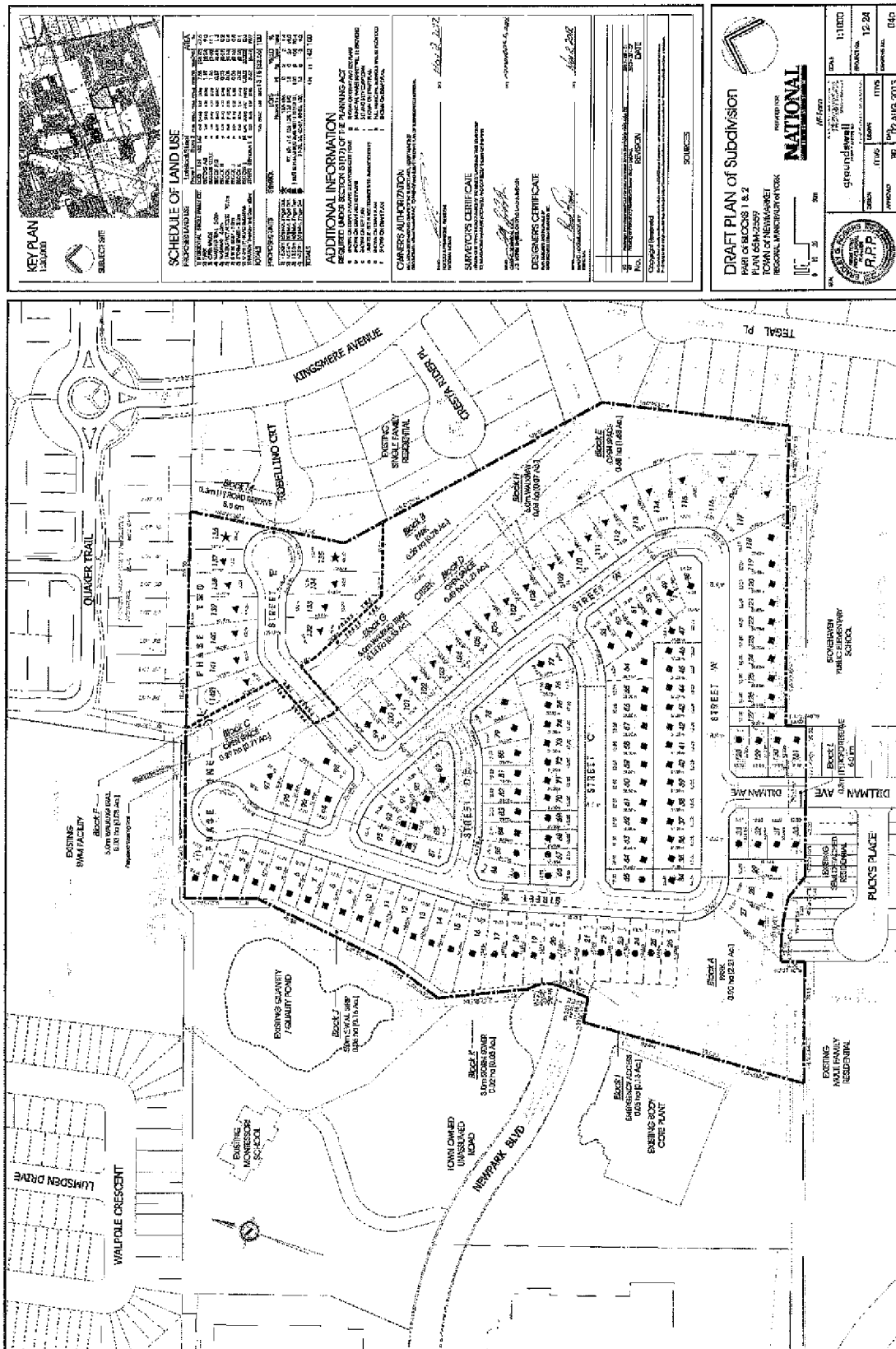
LOCATION MAP

Part of Lot 29, Concession 11, E.Y.S., Blocks 1 and 2 Registered Plan 65M-2559



TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by: Information Technology - GIS. Sources: 2007 Coburn Ortho Imagery - © J.D. Barnes Limited, 2007 Orthophotography; Land Parcel Boundaries - © Town of Newmarket and its suppliers. All rights reserved. DRAFT PLAN OF SUBDIVISION. 2009; Municipal Boundary - © Ontario, Planning and Development Services Department & The Regional Municipality of York, 2009.
DISCLAIMER: This mapping is based on the POLARIS parcel fabric product supplied using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 1

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TN 2005 004 ARE AS FOLLOWS:

General

- (1) That draft approval shall relate to Phase 2 of the draft plan of subdivision prepared by Groundswell Urban Planners Inc., dated November 2, 2012 (revised August 20, 2013 showing Lots 132 through 142 inclusive for single detached units, Block N for a 0.3 metre reserve and Street E.
- (2) The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (3) 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.
- (4) Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town of Newmarket, without monetary consideration and free of all encumbrances, to be held by the Town of Newmarket until required for future road allowances or the development of adjacent lands.
- (5) 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*.
- (6) 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 2

may be necessary to amend or revise the other conditions of draft approval accordingly.

- (7) The Owner shall agree in the Subdivision Agreement to convey to the Town, without monetary consideration and free of all encumbrances, the following lands: Block A for Parks purposes; Blocks B, C, D and E for Natural Heritage and Open Space purposes; Further, the Owner shall include a clause in all offers of purchase and sale and within the subdivision agreement, in wording acceptable to the Town, for all lots or blocks abutting said open space and Natural Heritage areas, advising of their function and that these areas will be left in their natural state to contribute to that function.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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;

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 3

- (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;
- (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.

- (12) 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.
- (13) 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 with one of suitable species, health and size to the satisfaction of the Town of Newmarket.
- (14) 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.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 4

- (15) 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.
- (16) 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
- (17) As part of the first Engineering Design Submission and 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.

The report shall address both water quantity and quality and shall include the lands which are subject to this draft plan of subdivision along with the lands in phase 2 located along Street E. The stormwater management design shall adhere to the Town Standards in effect at the time the design is submitted to the Town.

The report or reports shall confirm the expected water levels in the existing storm channel by modelling the catchment area with realistic impervious values.

The report or reports shall model the stormwater flows from this subdivision using a minimum impervious value of 50% (runoff coefficient of $C = 0.55$) with 20% of the impervious area to be modelled as directly connected to the storm sewer system.

The grading and storm sewer designs shall provide conveyance of the minor and major storm events such that flows from all storms shall be conveyed and contained on public lands only. This may require oversizing of the storm sewers and inlets to convey the major storm. The design of emergency outlets to protect private property shall also be carried out.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 5

The report or reports shall also 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 and maintenance period, in a manner satisfactory to the Town of Newmarket.

- (18) The Owner shall be responsible for all costs associated with the design and reconstruction of the existing stormwater management pond located immediately adjacent to and external to this subdivision as necessary to enable the pond to accept the flows from this development in accordance with current Town Standards.
- (19) The Owner shall be responsible for the all costs associated with the design and construction of a sanitary sewer system to accommodate flows from this development in accordance with Town Standards and shall construct all sewers required to divert flows from MH 3146 located in the proposed turning circle on Newpark Boulevard for the purpose of diverting flows from Dillman Avenue and Puck's Place to the Bogart Sanitary Pumping Station.
- (20) The Owner shall be responsible for all costs associated with the design and construction of a new turning circle on Newpark Boulevard immediately west of this plan of subdivision.
- (21) The Owner shall be responsible for all costs associated with the design and construction of a paved trail extending from existing Block 288 along Blocks F, G, H and I as shown on the Draft Plan of Subdivision, through the retrofitted stormwater management pond and connecting to the existing soccer club property.
- (22) 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.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 6

- (23) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (24) 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.
- (25) 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.
- (26) 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 Attenuation Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping,

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 7

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.

- (27) 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.
- (28) In the event that the Phase 1 ESA identifies the potential for any Hazardous Substance on, near or adjacent to the Plan, prior to Final Approval a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property or any affected lands nearby, and/or any other measures as deemed appropriate, shall be done to the satisfaction of the Town and any other governmental body having jurisdiction. Where a Phase 2 Environmental Site Assessment is required, it shall be done to CSA Standard CAN/CSA-Z769-00 under O.Reg. 153/04, or a successor thereto. The Owner shall agree in the Subdivision Agreement to implement such measures and/or any site clean-up and any related studies, reports and remediation plans and other requirements in accordance with all applicable Environmental Law, and at the Owner's sole expense.
- (29) The Owner shall agree in the Subdivision Agreement that where a Phase 1 ESA has been undertaken within the Plan, that did not identify any potential for any Hazardous Substance but where subsequent investigations identify Hazardous Substances on the lands within the Plan, a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 8

remediation/restoration plan for the Property shall be carried out at the sole expense of the Owner, and to the satisfaction of the Town prior to any transfer of the lands and/or construction or development.

- (30) The Owner shall agree in the Subdivision Agreement that all Environmental studies, reports, assessments and certifications shall be subject to Peer review by the Town, at the Owner's expense.
- (31) The Owner shall agree in the Subdivision Agreement that in the event that a Hazardous Substance has been determined to exist on, or adjacent to, any portion of the Property intended to be conveyed to the Town, the Town, without relieving the Owner of the requirement to complete the transfer, may in its sole discretion instruct the Owner to do, one or more of the following:
 - (i) defer the transfer of some, or all, of the Property until such time as the clean-up requirements or other measures described herein have been completed to the Town's satisfaction;
 - (ii) provide a cash payment or other additional securities to guarantee the clean-up of the Property;
 - (iii) issue a stop work order on all construction and development related to a portion of, or the entire Plan of Subdivision;
 - (iv) undertake a Risk Assessment and/or provide a Record of Site Condition, in accordance with Ontario Regulation 153/04 under the Environmental Protection Act or a successor thereto;
 - (v) defer registration of a portion of, or the entire Plan of Subdivision;
and
 - (vi) amend the Draft Conditions of Approval for the Plan of Subdivision to deal with any unforeseen environmental issues,

Further, the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out any of the foregoing, as may be directed by the

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 9

Town. The Owner further agrees to cooperate with the Town in regards to their implementation.

- (32) Prior to any site grading and prior to final approval, a Study shall be prepared by a from a Qualified Person (QP) as defined by the Ministry of the Environment, that identifies and documents all sites and buildings of historical and/or archeological significance, and specifies preservation strategies for such sites and buildings within the Plan. This Study shall be prepared to the satisfaction of the Director of Planning and Building Services, in consultation with the Ministry of Tourism, Culture and Sport. Where suitable, such sites and/or buildings shall be incorporated into the development in a manner appropriate to their historical and/or archeological significance. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the said Study, as accepted by the Town.
- (33) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, any additional studies as may be required.
- (34) 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.
- (35) 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.
- (36) 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, 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 10

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.

- (37) 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.
- (38) 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 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.
- (39) 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.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 11

- (40) 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.
- (41) 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
 - (d) any other requirements as may be set out in the Subdivision 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.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 12

- (42) 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.
- (43) Prior to final approval, the York Region 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.
- (44) 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 re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (45) 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.
- (46) The Owner shall include a clause in all offers to purchase and sale and within the 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.
- (47) 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;

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 13

- (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.
 - (t) Lands in proximity to Industrial Uses
- (48) 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 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. The Owner shall agree in the Subdivision Agreement to guarantee the perpetual maintenance of the said Features, where required by the Town, with respect to the cost of maintenance and periodic renewal/replacement of such Features, and to provide for or maintain such Special Features in perpetuity. The Owner shall further agree in the Subdivision Agreement to provide easements in favour of the Town, for the purposes of maintenance, where required.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 14

Regional Municipality of York Conditions

- (49) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (50) 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.
- (51) The Owner shall agree in the Subdivision 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.
- (52) Prior to final approval, a functional servicing report that includes water and wastewater servicing and drainage plans shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas services by the proposed development and the water servicing plan shall clearly identify any pressure reducing valves, if required.
- (53) Prior to final approval, the General Plan of services drawing shall be submitted to the Capital Planning and Delivery Branch for review.
- (54) The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system required Regional approval prior to construction. Engineering drawings showing details of the connection shall be submitted for approval.
- (55) Prior to final approval, should any of the following land uses be proposed in association with the draft plan of subdivision application, York Region requires the completion and submission of a Risk Determination and Risk Management Plan to the Water Resources Branch of the Environmental Services Department. These land uses include the storage or manufacture or use of:
 - a. Petroleum-based fuels and or solvents;
 - b. Pesticides, herbicides, fungicides or fertilizers;

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 15

- c. Construction equipment;
- d. Inorganic Chemicals;
- e. Road salt and contaminants as identified by the Province;
- f. The generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
- g. Organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
- h. Snow storage and disposal facilities.

The Risk Assessment and Risk Management Plan documents must follow the York Region document *Guidance for Conducting Risk Assessments and Preparing Risk Management Plans for Source Water Protection (May 2011)*.

- (56) Given the proximity of the subject site to York Region municipal production wells, prior to final approval, the Owner shall conduct a subsurface investigation to identify any need for dewatering and/or groundwater depressurization, and where applicable, submit a detailed dewatering plan prepared by a qualified professional to the Region for approval.
- (57) Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- (58) 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.

Lake Simcoe Region Conservation Authority

- (59) 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 and the Town of Newmarket:
 - A detailed Stormwater Management Report
 - A Low Impact Development Report providing enhanced water treatment;
 - A detailed Erosion and Sedimentation Control Plan
 - A detailed Grading and Drainage Plan
 - A detailed phosphorus budget and water balance fulfilling Designated Policy 4.8(d)(e) of the LSPP

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 16

- A detailed Planting Plan for the entire riparian buffer area (including the site of the fish barrier removal), park block and relocated stormwater outfall channel to Bogart Creek
 - A detailed design for the relocated stormwater outfall channel, including a plunge pool/wetland area and its confluence with Bogart Creek.
- (60) 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 set out above as approved by the LSRCA.
- (61) 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 specifications, as approved by the LSRCA.
- (62) The Owner shall agree in the subdivision agreement to maintain all existing vegetation up until a maximum of 30 days prior to any grading of construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (63) The Owner shall agree in the Subdivision Agreement that any easements required for stormwater management purposes shall be granted to the Town of Newmarket.
- (64) Prior to any site alteration, proper erosion and sediment control measures must be in place in accordance with approved Grading and Drainage Plan, and Erosion and Sediment Control Plan.
- (65) That prior to any site alteration and grading within the area regulated under Ontario Regulation 179/06 of the Conservation Authorities Act that a permit from LSRCA be obtained.
- (66) That Prior to final approval, the Owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the *Conservation Authorities Act*.

Newmarket Hydro

- (67) The 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 17

lands and/or easements as may be required, at no cost and free from encumbrances.

Bell

- (68) 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

- (69) The Owner shall agree in the subdivision 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.
- (70) The Owner shall agree in the subdivision 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.
- (71) The Owner shall agree in the subdivision 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.
- (72) The Owner agrees in the subdivision 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. 71 is completed at the permanent Community Mailbox site location(s).

Other

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 18

- (73) Final approval for registration may be issued in phases provided that:
- a) phasing is proposed in an orderly progression; and
 - b) all agencies agree to registration by phases and provide clearances as required in Conditions 75 to 79 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.
- (74) The Town of Newmarket shall advise that Conditions 1 to 48 inclusive and Conditions 73 to 79 inclusive have been satisfied.
- (75) The Region of York shall advise that Condition 3 and Conditions 49 to 58 inclusive have been satisfied.
- (76) The Lake Simcoe Region Conservation Authority shall advise that Conditions 59 to 66 inclusive have been satisfied.
- (77) Newmarket Hydro shall advise that Condition 67 has been satisfied.
- (78) Bell shall advise that Condition 68 has been satisfied.
- (79) Canada Post shall advise that Conditions 69 to 72 inclusive have been satisfied.

ISSUED at Newmarket this day of , 2014.

Richard Nethery, B.E.S., M.C.I.P., R.P.P.
Director of Planning and Building Services

NOTES: 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2005 004 Phase 2
National Homes (Newmarket) Inc.
Page 19

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.

THE LAKE SIMCOE REGIONAL CONSERVATION AUTHORITY WILL REQUIRE A
COPY OF THE EXECUTED SUBDIVISION AGREEMENT; COPY OF THE DRAFT M-
PLAN; A LETTER FROM THE DEVELOPER'S PLANNING CONSULTANT DETAILING
HOW EACH LAKE SIMCOE CONSERVATION AUTHORITY CONDITION OF DRAFT
PLAN APPROVAL HAS BEEN FULFILLED PRIOR TO ISSUANCE OF A CLEARANCE
LETTER.