

Draft Plan Conditions Boynton Court Subdivision

Draft Plan of Subdivision File No. 42T-2019-03

General Requirements

1. That this approval applies to the draft plan of subdivision located on on the property legally described as Lot 1-2, Part of Lot 3, Registered Plan 105, Town Plot of Thornbury (formerly the Town of Thornbury), Town of The Blue Mountains, County of Grey, prepared by MHBC Planning dated November 20, 2019 and signed by the Owner on November 20, 2019, showing the following:
 - 5 Residential Lots planned for a total of 10 semi-detached residential units (Lots 1-5)
 - 2 Residential Blocks planned for a total of 8 townhouse dwelling units (Block 6 & 8)
 - 3 Blocks for a 0.3 metre Reserve (Blocks 8 to 10)
 - 1 Block for a 10 metre Daylighting Triangle (Block 11)
 - 1 Public Street ("Boynton Court")
2. The Owner shall enter into and execute a Subdivision Agreement, in accordance with these Draft Plan Conditions, prior to final approval and registration of the Plan, to satisfy these conditions and all financial, legal, and engineering matters, including landscaping and the installation of municipal services, and other requirements of the Town and the County of Grey ("the County"), as well as any statutory requirements of other government authorities, including the payment of all applicable Town and County development charges in accordance with the applicable Development Charges By-law.
3. That the Owner shall enter into development and other necessary agreements or obtain necessary approvals, satisfactory to the Town or any other appropriate authority before any development or site alteration within the plan including filling, grading, removing trees and/or topsoil, installing any works, or constructing any buildings or structures. These Agreements may deal with matters including but not limited to the following:
 - i. Engineering works which include municipal water, sanitary sewer services;
 - ii. Professional services including preparation of reports, plans, inspections, certifications and approval;
 - iii. Drainage, stormwater management;
 - iv. Storm sewers and infiltration galleries;
 - v. Road construction, cul-de-sac and intersection;
 - vi. Securities, cash contributions, development charges;
 - vii. Emergency services;

- viii. Land dedications and easements, reserves;
- ix. Hydro, Street Lighting, Natural Gas and Telecommunication Utilities;
- x. Architectural Control;
- xi. Grading and sodding;
- xii. Fencing & Landscaping;
- xiii. Trails/walkways;
- xiv. Fire Break Plan, if required;
- xv. Construction Implementation and/or Mitigation Measures;
- xvi. Warning clauses, signed entry features and safety hoarding;

The details of which may indicated in correspondence from appropriate commenting agencies and/or departments.

- 4. The Owner/Developer shall acknowledge in the Subdivision Agreement that draft approval does not in itself constitute a commitment by the Town of The Blue Mountains to providing servicing access to the Town's water or wastewater treatment plants or allocation of associated built capacity. Plans may proceed to registration provided that there is sufficient residual capacity and capability to service the development.
- 5. The Owner shall agree in the Subdivision Agreement that all of the works required by the Town, the County, other government authorities and utility providers for the development and servicing of the lands shall be designed and installed in accordance with the Town's Engineering Standards, and Provincial & Federal Guidelines & Standards, that are in effect at the date of execution of the Subdivision Agreement to the satisfaction of the Town. Where compliance with Town Engineering Standards necessitates offsite works, (i.e. stormwater management system upgrades) the owner shall enter into agreements with the Town and/or the County to implement the requisite offsite works, to the satisfaction of the Town.
- 6. Prior to final approval by the County, that appropriate zoning is in effect for this proposed subdivision that conforms to the County of Grey Official Plan and the Town of The Blue Mountains Official Plan.
- 7. That the public street shall be named in accordance to the Town's Street Naming Policy, to the satisfaction of the Town of The Blue Mountains.

Servicing, Grading and Road Requirements

- 8. That prior to final approval by the County, a Site Servicing Plan is prepared to show how the development is fully serviced with sanitary sewer and water to the

satisfaction of the Town of The Blue Mountains. (Check revised wording – previous was flagged)

9. That prior to execution of a Pre-Servicing Agreement and/or Subdivision Agreement with the Town, sufficient water and sanitary sewer capacity shall be available and confirmed by the Town.
10. That prior to final approval and registration of the Plan, the Town shall provide confirmation to the County that there is sufficient water and sanitary capacity available and allocated to service the entire plan of subdivision, based on actual usage, as determined by the Town's monitoring of water flows and sanitary sewer flows.
11. That the Subdivision Agreement shall detail and confirm the water and sanitary servicing capacity allocated to this plan of subdivision.
12. That the Owner shall agree in the Subdivision Agreement to provide for all necessary installations and connections to any existing municipal storm drainage, sanitary sewer collection and water servicing systems to service the proposed development, to the satisfaction of the Town.
13. That prior to execution of a Pre-Servicing Agreement or Subdivision Agreement, a detailed engineering and drainage report will be provided which describes the stormwater drainage system for the proposed development on the subject lands to the satisfaction of the Town. The Plan shall demonstrate how the drainage system will tie into the drainage of surrounding properties and how external drainage and site drainage is appropriately conveyed.
14. That the Subdivision Agreement shall include wording for the provision of Operation and Maintenance Manuals for any non-standard infrastructure that may be required, to the satisfaction of the Town.
15. That the Subdivision Agreement shall contain specific clauses related to the required Ontario Building Code / Engineering Standards, as applicable, of the Town including but not limited to the following:
 - i. The appropriate horizontal and vertical alignments of all roads, including their intersection geometrics, and underground services;
 - ii. That suitable construction traffic routes are identified to the satisfaction of the Town; and,
 - iii. The street lighting system on roadways be designed and constructed to

the satisfaction of the Town. The Subdivision Agreement shall also require that all external lighting, including street lighting, be dark-sky compliant.

Utilities

16. That the Owner shall grant all necessary easements and/or blocks and/or enter into agreement for drainage, utility and servicing purposes, including CRTC-licensed telephone and broadcasting distribution, as may be required, to the appropriate agency or public authority.
17. The Owner, in consultation with the applicable utilities and Communications Service Providers, shall prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the subdivision, as well as the timing and phasing of the installation.
18. That the Subdivision Agreement include a clause requiring that the Owner agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Owner.

Vegetation, Fencing and Streetscape Requirements

19. That prior to final approval, the Owner prepares a Vegetation Assessment and Vegetation Management Plan by a qualified consultant to the satisfaction of the Town of The Blue Mountains. The Vegetation Management Plan shall include amongst other matters:
 - i. Special provisions to ensure that the existing vegetation on the periphery of the site be maintained and protected, where feasible, during the development process;
 - ii. Special provisions to ensure that existing vegetation on the adjacent lands be protected during development and construction; and,
 - iii. That said plan be incorporated into the Subdivision Agreement with the Town.
20. The Subdivision Agreement shall ensure that the Owner shall save and/or remove any trees and vegetation on the subject lands as required by the Vegetation Assessment / Vegetation Management Plan to the satisfaction of the Town of The Blue Mountains.

Park and Open Space Requirements

21. The Owner shall pay cash-in-lieu of Parkland dedication of 5% to the Town of The Blue Mountains, in accordance with the Planning Act.

Miscellaneous

22. That the Subdivision Agreement between the Owner and the Town provide for the dedication of 0.30 metre reserves (Blocks 8 to 10) to be conveyed to the Town without monetary consideration and free of all encumbrances to be held by the Town to prohibit unauthorized access to adjacent lands.
23. That prior to execution of any Subdivision Agreement, final approval, and registration, the Owner shall submit a Development Communications Plan for review and approval by the Town. The Development Communications Plan shall inform the Town and area residents of Significant Site activities and include:
- i. Installation of a Project Notification Sign, 1.2 m x 2.4 m minimum, to Town template, at each construction access to the Lands and visually obvious to the public, at least two (2) weeks before the construction start date, and maintained for full duration of construction.
 - ii. Notification of the construction project to property owners as deemed appropriate in consultation with Development Engineering via hand/mail delivery.
 - iii. Schedules of intended site activities updated routinely. (typically, weekly to bi-weekly).
 - iv. A minimum of two (2) weeks' notice following Town approval and prior to commencement of:
 - a. Significant site activities including such as site alteration works as tree clearing & grubbing, commencement of site servicing/grading, placement of asphalt, concrete curbs and sidewalk, and landscaping, and/or
 - b. Off-site works on Town Owned Lands/Roads following receipt of a Municipal Land Use Permit (MLUP).
24. That the Owner shall agree in the Subdivision Agreement, to advise prospective purchasers in every Offer of Purchase and Sale that:
- i. accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities, such as a portable classroom, a "holding school", or in an alternate school within or outside of the community.
 - ii. school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce.
25. That prior to final approval and registration, the Owner shall submit a Phase Two Environmental Site Assessment to the Town, completed by a Qualified Person;

and the Phase Two Environmental Site Assessment and Record of Site Condition shall be filed with the Ministry of the Environment, Conservation and Parks, as per the Environmental Protection Act.

26. That prior to final approval and registration, the Owner shall obtain a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries, that the Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
27. Prior to final approval and registration of the Plan, the lands within this Draft Plan of Subdivision shall be appropriately zoned by a Zoning By-law that has come into effect in accordance with the provisions of the Planning Act.
28. That the Owner shall agree in the Subdivision Agreement, prior to offering any of the residential lots for purchase, to place a 'Display Map' on the wall of the sales office in a place visible to the public, which indicates the approved location of all sidewalks, walkways, trails, community mailboxes, parks, schools, open space areas, environmental protection areas/tree preservation areas, watercourses, and surrounding land uses. The Owner shall also agree to keep Accepted for Construction drawings in the sales office which show easements, hydrants, utilities, lighting, lot grading, landscaping, and noise attenuation measures, as applicable.

Administration

29. Prior to final approval and registration, the Subdivision Agreement shall include special provisions addressing the following matters in wording acceptable to the Town:
 - i. That the Owner shall agree that all vacant lots shall be rough graded such that best efforts are taken to ensure there is no standing water and shall be maintained in general conformance with the approved comprehensive grading plan. The Owner shall further agree in the Subdivision Agreement to topsoil and seed any rough graded area not proceeding to construction in a timely manner, to the satisfaction of the Town.
 - ii. That the Owner shall agree to engage a qualified engineer and that the Owner's Engineer certify that their reports conform with applicable standards to the satisfaction of the Town of The Blue Mountains and that the Engineer provides certification that the final constructed works conform to the approved design.

- iii. That the Owner shall agree to engage a qualified engineer to review and certify that the completed pre-grading works comply with the pre-grading shown on the approved grading and drainage plan.
- iv. The Owner, and/or any future Lot Owner, shall agree to engage a qualified consultant to prepare a Final Lot Grading Certificate prior to Final Inspection, indicating that the grading of the lot has been completed in conformity with the Approved for Construction Master Grading/Drainage Plan, and to submit to the Chief Building Official for approval.
- v. The Owner shall agree that any temporary stormwater management, construction mitigation, sediment and erosion control measures be approved by the Town and in place prior to site alteration with the exception of site alteration to install such measures.
- vi. That the Owner shall agree to obtain any required statutory permits from the County of Grey, Town of The Blue Mountains, or any other applicable authority, prior to any site alteration.
- vii. The Owner shall agree to the following:
 - a. Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with section 48 (1) of the *Ontario Heritage Act*;
 - b. That anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.
- viii. The Owner shall agree to provide for all necessary installations and connections to any existing municipal storm drainage, sanitary sewer collection and water servicing systems to service the proposed development, to the satisfaction of the Town.
- ix. the Owner shall agree that a municipal numbering system shall be assigned to the satisfaction of the Town with regard to 911 emergency servicing. The Owner shall also agree in the Subdivision Agreement to display the lot

number and corresponding assigned municipal address in a prominent location on each lot prior to and during all times of construction.

30. That prior to final approval, the County is advised in writing by the Town of The Blue Mountains how Conditions 1-27 have been satisfied.
31. This draft plan approval shall lapse on <DATE>. If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution/letter of support from the local municipality must be submitted to the County of Grey, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.
32. That prior to final approval, a copy of the fully executed Subdivision Agreement between the Owner and the municipality shall be provided to the County of Grey.
33. That the Owner, submit to the Town of The Blue Mountains and the County of Grey with a digitized copy of the Final Plan in a format acceptable to the County of Grey.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **"DANGER - Overhead Electrical Wires"** in all locations where personnel and construction vehicles might come in close proximity to the conductors.
3. Clearances or consultations are required from the following agencies, as well as the appropriate agency or authority providing utilities or services:

Town of The Blue Mountains
PO Box 310, 32 Mill Street

Thornbury, ON N0H 2P0

4. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
 - b) subsection 144(2) allows certain exceptions.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

5. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment Conservation and Parks under the Ontario Water Resources Act, RSO 1990, as amended.
6. All measurements in subdivision final plans must be presented in metric units. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.
7. The required Vegetation Assessment shall evaluate existing site vegetation and incorporate it into the Vegetation Management Plan, wherever feasible. The required Tree Preservation Plan shall identify any wooded areas or individual trees which are intended to be retained, and those which are to be removed.