

Attachment #9
Conditions of Draft Plan of Subdivision Approval
File No. DEV-13-21 (SW-2021-03)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by Bousfields Inc., identified as drawing number 20282-47 DP, plotted April 24 2023, which illustrates the following land uses: 163 units for detached dwellings, 143 units for street townhouses, one overland flow block, one parkette block, one stormwater management pond block, one school block, and municipal roads, road widenings and additional lands owned by the applicant.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
4. The Subdivider shall submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Protocol.
5. The Subdivider shall carry out an archaeological assessment of the subject site and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
6. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the Acoustical Consultant's recommendations of the noise report, entitled "Environmental Noise and Vibration Study" prepared by Valcoustics and dated October 25, 2022, which specifies noise attenuation measures for the development. These measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include warning clauses identified in the study.
7. Prior to registration the Subdivider shall demonstrate that the proposed uses are appropriate in accordance with the peer review of the Land Use Compatibility study prepared by Cambium and dated May 4, 2023, and the Noise study

prepared by Valcoustics and dated October 25, 2022 to the satisfaction to the Region of Durham and Town of Whitby.

8. The Subdivider shall agree to implement any of the recommendations and mitigation measures contained in the “Land Use Compatibility Study – Air Quality”, prepared by Cambium dated May 24, 2023, and/or any modifications stemming from the Region of Durham’s peer review process in the Subdivision Agreement between the Subdivider and the Town of Whitby to the satisfaction of the Region of Durham.
9. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
10. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
11. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply capacities are available to the proposed subdivision.
12. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.
13. The Subdivider shall, to the satisfaction of the Region, revise the draft plan of subdivision based on the final Brooklin Major Roads Environmental Assessment with respect to all matters addressed therein, as may be required by the Region, including any impacts on sanitary sewerage, water supply, Regional roads and stormwater management facilities servicing Regional roads.

14. That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
- a) The intended means to remove all developable lands from within the regulatory floodplain of Lynde Creek. Based on the results of this study, the Subdivider agrees that the draft plan may be subject to red-line revisions to ensure that all appropriate development limits, including, but not limited to residential lots are outside of the established hazard limits.
 - b) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Municipal Mid-Block Arterial Road Class Environmental Assessment Study. Based on the results of this exercise, the Subdivider agrees that the draft plan may be subject to red-line revisions.
 - c) The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 5.
 - d) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of suspended solids in any water body because of on-site, or other related works.
 - e) The intended means to maintain appropriate water balance for the site and to the adjacent hydrologic features (e.g., wetlands, headwaters, watercourses) as part of this development.
 - f) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
15. That the Subdivider shall agree to not undertake any on-site works related to Phase Two (2) of the plan of subdivision, including any servicing or on-site grading until the Central Lake Ontario Conservation Authority has advised in writing that the affected lands are not susceptible to flood risk to the satisfaction of Central Lake Ontario Conservation Authority

16. That the Subdivider agree to not enter into any purchase and sale agreements with respect to any lots or blocks in Phase Two (2) of the draft plan of subdivision that are located within, or partially within, the regulatory floodplain until such time that the Central Lake Ontario Conservation Authority has advised in writing that all new and improved infrastructure has been constructed and installed to our satisfaction resulting in the removal of these lands from the regulatory floodplain.
17. That the Subdivider agree that prior to any site alteration and/or development within habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the plan may be subject to red-line revisions.
18. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to development limits associated with existing hazard lands.
19. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
20. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
21. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
 - a) The Subdivider agrees to carry out the works to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - c) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

- d) The Subdivider agrees to provide Central Lake Ontario Conservation Authority with a copy of the final M-Plan and executed Subdivision Agreement prior to registration of each Phase of development.
- 22. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each townhouse block/phase with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreements, including any review required by Legal Services.
- 23. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required.
- 24. The Subdivider shall provide a Firebreak Lot/Block plan, hydrant location plan, and fire route/temporary emergency access plan to the satisfaction of the Whitby Fire and Emergency Services Department.
- 25. That the proposed homes to be located on the subject land shall be subject to review by the Control Architect.
- 26. That the new home construction be designed to meet the Energy Star standards or equivalent.
- 27. Any financial securities required of the development shall be provided as specified by the Town's Corporate Services Department and shall not include bonds.
- 28. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.
- 29. Through the Site Plan/ Plan of Subdivision Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the applicant.
- 30. Parkette Block 196 shall be dedicated to the Town free and clear of all encumbrances and shall be a minimum of .4 hectares of developable land.

31. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the provided Park Facility Fitment Plan, then the individual Park Block shall be expanded into the adjacent developable area as required to accommodate the park amenities. Steeply sloping grades determined to be unsuitable for park development will not be accepted as parkland dedication.
32. Cash-in-lieu of parkland is required for this development at a rate in accordance with the Planning Act. A land appraisal will be required for review and approval by the Town.
33. Hydro Corridor Block 198 shall be sloped/graded to allow for the construction of an accessible trail connection to the Hydro Electric Corridor behind proposed lots on Street F. Proposed trail slopes must meet Town Accessibility Standards. If it is determined by Hydro One that Block 198 is not required, the Town will require an access trail block at the same location.
34. 1.2 metre black vinyl standard park fencing shall be installed where park blocks abut residential lots.
35. The Subdivider shall convey the following to the Town:
 - a) Block 195 for Overland Flow block;
 - b) Block 196 for Parkette;
 - c) Block 197 and 205 for Stormwater Management Facility;
 - d) Block 198 for Open Space;
 - e) Block 200 for Hydrant Access; and
 - f) Block 203 and 204 for Road Widening's on the east side of Anderson Street.
 - g) Block TBD for Municipal Use (1.0m wide on the north side of Block 199).
36. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Mid-Block Arterial Schedule C Environmental Assessment (MBEA) prior to registration, including but not limited to:
 - a) The final right-of-way width, alignment, and horizontal and vertical design of Street 'A' (Mid-Block Arterial), including the intersection with Anderson Street.
37. The Subdivider shall provide an updated Sub-Area Study (SAS) to address the comments provided in a separate memo from KSGS Engineering dated May 26, 2021. All major comments must be addressed to the Town's satisfaction prior to initiating detailed design.

38. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk on the east side of Anderson Street along the frontage of the proposed development.
 - b) 1.8m wide sidewalk on the south side and 3.0m Multi-Use Path on the north side of Street 'A' from Anderson Street to the eastern property boundary.
 - c) 3.0m Multi-Use Trail within Block 198 to connect to the proposed Trail within the adjacent Hydro Corridor.
 - d) 1.8m wide sidewalk on both sides of all other streets. Width to be increased to 2.5m adjacent to Schools and Parks.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

39. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services, external road improvements and/or the oversizing of services should such oversizing be required.
40. The Subdivider shall be responsible for the reconstruction of Anderson Street to a 2 lane urban cross-section with a 3.0m Multi Use Path on the west side, sidewalk on the east side and on-road bike lanes from the former Hydro Corridor at the south limit of the development area to the Mid-Block Arterial (approximately 1.5km length). Development Charge recoveries will apply in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.

Ultimate road cross-section, turning lane, active transportation infrastructure and pedestrian crossing requirements at proposed intersections along Anderson Street to be determined through completion and acceptance of a future Environmental Assessment study.

Grading match along the Anderson Street ROW limit to be based on an assumed ultimate 4 lane urban cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.

41. The Subdivider shall be responsible for the reconstruction of Conlin Road as follows:
- a) From Anderson Street to the west limit of the Conlin/Anderson development area: this portion of Conlin Road is an existing dead-end

local road. As an integral part of the subdivision developments it will stay as a local 20m road, reconstructed to an urban standard with sidewalks on both sides, including any required turning lanes and entrance works.

- b) From Anderson Street to the east limit of the Conlin/Anderson development area: this portion of Conlin Road shall be a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a sidewalk on the south side, on- road bike lanes, and any required turning lanes and entrance works.

- 42. The Subdivider shall be responsible for the installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls at Anderson Street / Street 'C' and Conlin Road/Street 'F' intersections and the ultimate traffic signals at Anderson Street/Street 'C' intersection.

Development Charge recoveries will apply to portions of the above work items in accordance with the Development Charge By-Law in effect at the time of final approval of the Draft Plan.

- 43. The Subdivider shall demonstrate that the width of Block 195 has sufficient width to accommodate the conveyance of the necessary overland major system flows. If required, the plan shall be revised to convey additional width, all to Engineering Services satisfaction, prior to registration.

Similarly, there is a concern that overland flows on Street 'C' will reach unacceptable depths and/or spill to Anderson Street before achieving the calculated flow depth in the overland path at the south end of Block 205 leading to the SWM pond. During detailed design, it must be demonstrated that major system flows will be fully contained and comply with all Town standards.

- 44. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
- 45. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.
- 46. The Subdivider shall provide a Water Well Interference Report, separately or as a part of a Hydrogeological Report, to the satisfaction of the Director of Engineering Services. The Report shall review the potential impacts of development activities on existing water wells, within the zone of influence, as

determined by the Qualified Person, with a minimum distance of 250m from development limits. The Water Well Interference Report shall include, but is not limited to, a pre-construction survey of the existing water wells, a potential impact analysis through the construction phase and recommendations/remediation plans to address any concerns that may arise as a result of construction stage works.

47. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
48. The Subdivider shall provide an updated Master Transportation Study (MTS) prior to final acceptance of the Plan by the Commissioner of Planning and Development and as part of the detailed engineering design.
 - a) The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'C', Street 'D', Street 'F', Street 'G' and on all roads adjacent to Park and School blocks to support safe travel speeds and a comfortable environment for all users.
 - b) Controlled pedestrian crossing (i.e., Intersection Pedestrian Signal (IPS) or Pedestrian Crossover (PXO) at Anderson Street/Street 'C' and Conlin Road/Street 'F'. The IPS or PXO may be an interim solution to facilitate safe active transportation movements until such time that a traffic signal may be warranted.
 - c) Active transportation connection between Street 'F' and the Hydro Corridor within Block 198.
 - d) While the volumes may be low left turn lanes should be provided on Anderson Street and Conlin Road to facilitate safe movements along the corridor for all road users.
 - e) As part of the MTS the consultant has identified that intersection of Conlin Road/Street F/Street H will operate well under two-way stop control with no auxiliary lanes. While an eastbound left turn lane may not be warranted it is recommended to be installed from a safety perspective, particularly if the significant reduction in vehicular volume on Conlin Road is not realized. The storage can be minimal, but it is always better to separate the left turning movements from the through movements.
 - f) The School Block facility fit will be subject to the review and approval of the Durham District School Board. Town comments on the school layout will be provided at the time of Site Plan design and approval.

The Draft Plan shall not preclude the alignment of school driveways with neighbourhood intersections. School designs to conform to the Region of Durham School Design Guidelines and the Institute of Transportation Engineers (ITE) School Site Planning, Design and Transportation. Access should be coordinated early to properly align with intersections within the neighbourhood. Type and location of pedestrian crossing(s) for the School site to be included within the MTS.

49. The Subdivider shall provide a plan showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.

The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.

50. The Functional Servicing and Stormwater Management Report shall be updated to address the following comments:
- a) Where there is no other viable design alternative, the Town of Whitby will accept a single sewer pipe within the laneway i.e., either the sanitary sewer (subject to Region of Durham acceptance) or the storm sewer. The FSSR shall be revised to demonstrate how the laneway units are to be serviced from Anderson Street or Street 'B' in addition to the service within the laneway.
 - b) The Design Consultant is to investigate alternative methods of servicing Block 174 for storm drainage without the need for a third collector pipe. The proposed Foundation Drain Collector system is to be eliminated if possible. The Subdivider shall implement all changes to the plan resulting from modification to the storm sewer system to drain Block 174.
 - c) Current Stormwater Management (SWM) facility access road and overland flow route location is not desirable due to proximity to the proposed signalized Street 'C' and Anderson Street intersection. Access to be from Anderson Street to the north of Street 'C' with the exact location determined through detailed design review for the reconstruction and ultimate widening of Anderson Street.
51. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.

52. The Following Lots/Blocks shall be placed on hold: Block 201 – Future Development, until such time as it can be merged with land to the north.
53. The SWM Blocks 197 and 205 shall be sized to accommodate all Town of Whitby, Central Lake Ontario Conservation Authority (CLOCA) and Ministry of the Environment, Conservation, and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and / or wetland pockets at the outfall.

a) Since separate water quality treatment for just road drainage is not efficient, every effort shall be made to accommodate external drainage from the ultimate improvements and urbanization of both Anderson Street and Conlin Road that are tributary to the site, into the SWM Pond design. This will be reviewed at the detailed design stage.

b) Provide details for the emergency overflow outlet from SWM Pond L4 and demonstrate that Culvert C-2 under Anderson Street has capacity for the uncontrolled flows from the pond. Note that this may affect the top elevation of Pond L4, as a freeboard of at least 0.15 m is required above the calculated emergency overflow depth.

The information provided on the grading and servicing plans indicate that Anderson Road can be overtopped by emergency overflows without impacting the homes abutting the SWM Pond. This can be deferred to detailed design, but must be taken into account in the future design of Anderson Street. When urbanized, the boulevards on Anderson Street should include erosion protection at the low point / overflow path and be designed with maximum ponding depths and flow velocities as per Town Design Criteria.

c) The SAS indicates that runoff from Conlin Road is to be directed to SWM Pond L4 however, the FSSR indicates that minor system drainage is to remain external to the site and outlet to the Anderson Street tributary. Every effort shall be made to integrate the grading, servicing, and stormwater management requirements for Conlin Road with the subdivision design.

d) Provide details for the SWM facility outlet including cross sections from the SWM facility to the receiving watercourse west of Anderson Street, including the crossing of Anderson Street and the 100 year flood line information. This information is needed to justify the normal water level in SWM Pond L4 and the SWM facility outlet location and elevation.

e) Calculations provided in the FSSR for the sediment drying area reflect a 2m sediment pile height. Sizing of the sediment drying area shall adhere

to Town of Whitby Design Criteria, which specifies a maximum 1 m height. The Subdivider shall implement all changes to the plan resulting from modification to the SWM Pond Block's sediment drying area. The sediment drying area shall be located outside of the pond maximum water level.

- f) Provide vehicle turning path for the SWM pond maintenance road to ensure that typical maintenance vehicles (cube van) and a triaxle vehicle can navigate the current layout (with minimal reverse maneuvering).
 - g) At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.
- 54. Prior to the development of Phase 2 of the site (FSSR, Figure 4), the realignment of St. Thomas Street and replacement of the crossing of the Anderson Street Tributary, as outlined within the Functional Servicing and Stormwater Management Report and MBEA, and confirmation of the limits of the new regulatory flood line shall be completed to the satisfaction of the Central Lake Ontario Conservation Authority (CLOCA) and Town of Whitby.
 - 55. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan if required to accommodate recommended noise control measures prior to registration.
 - 56. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
 - 57. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards. Fencing for school blocks to be as per the appropriate school board requirements.
 - 58. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
 - 59. The Subdivider shall be responsible for providing service connections (if required) and a suitable storm drainage outlet for flows associated with Parkette Block 196, to the satisfaction of the Town of Whitby.
 - 60. The storm drainage plan shall show drainage boundaries for both the proposed School Block and for possible residential development in the event that the site is not developed as a school. The receiving storm sewers shall be sized for the most conservative development scenario.

61. A second public access may be required for the subdivision until Street 'G' is fully constructed and extended to Street 'F' or Street 'F' is fully constructed and extended to Conlin Road. Any lots affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
62. Streets dead ending at property boundaries will have to be terminated at the nearest intersection or end in a temporary cul-de-sac. Limits of construction and affected lots to be placed on 'Hold' will be determined at the engineering design stage.
63. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
64. Construction phasing of the development shall be to the satisfaction of Engineering Services, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.

Construction staging details will be required for the proposed servicing and road works on Anderson Street and external sanitary sewer and watermain construction on Conlin Road, including coordination with the proposed adjacent developments and the Region of Durham.
65. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria.
66. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high water table where applicable.
67. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
68. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The street lighting design shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

69. Any concerns raised through future re-submissions of the geotechnical and hydrogeological reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, pavement design specifications based on street classifications, earth berm grading design, confirmation of design parameters and preliminary layout for LID measures, proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
70. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider.

This condition will be superseded at such time as the Town has a Peer Review By-law in place.

71. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
72. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
73. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
74. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
75. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
76. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow, or other debris on the transmission corridor.

77. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.
78. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
79. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of Block 199, 2.736 hectares (6.761 acres) in size, for elementary school purposes.
80. That the Subdivider submits plans indicating existing and proposed grades, drainage, and servicing for approval by the Durham District School Board for all lots, blocks, easements, and roads abutting Block 199.
81. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 199, prior to the registration of Phase 1 of the development.
82. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 199.
83. That any filling conducted within Block 199 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
84. That the Subdivider rough grade Block 199 to the satisfaction of the Durham District School Board.
85. That the Subdivider agrees to bring all municipal services and connections to the edge of Block 199, along the street and submit drawings to the Durham District School Board for approval.
86. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9 gauge galvanized or #6 gauge vinyl coated) along the perimeter of Block 199 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
87. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the owner and all prospective homebuyers.

88. Students from this development may have to attend existing schools. Although an elementary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school.
89. That the Subdivider agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres and/or provide information to future buyers.
90. That the draft plan be revised to show a possible low density road and lotting fabric on school Block 199 in the event the school board does not action the option to purchase.
91. That the Subdivider covenants and agrees to enter into the cost sharing agreeing amongst the benefitting landowners in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 91 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
92. The following clause shall be included in all offers of purchase and sale for all lots and blocks within the Subdivision Plan:

All purchasers are advised that the Subdivider/Builder within the subdivision plan are responsible for the maintenance of all unassumed roads which shall include but not be limited to snow plowing, salting/sanding, street sweeping, dust control measures and repairs to the base coat of asphalt until the subdivision road allowances are assumed by the Town.
93. No building permits shall be issued for any lots or blocks until the Land Use Compatibility and Noise Study has been accepted by the Region of Durham and the Town.

Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how conditions 1-13 have been satisfied;
- b) The Central Lake Ontario Conservation Authority, how conditions 14-21 have been satisfied;
- c) Hydro One, how conditions 75-78 have been satisfied.

d) Durham District School Board, how conditions 79-89 have been satisfied.

Note: Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. This approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

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 will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of the request, shall apply.