

Attachment #10**Conditions of Draft Plan of Subdivision Approval****File No. DEV-14-21 (SW-2021-04)**

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of approved draft plan of subdivision, prepared by Humphries Planning Group Inc., identified as drawing number 17511-A1, plotted August 23, 2023, which illustrates the following land uses: 29 freehold townhouses, 82 units for common element townhouses, one mixed used block supporting a three-story building with 20 residential units, and 43 townhouses, one reserve block, road widening's and municipal road.
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 comply with MECP LUC Guidelines and are in accordance with the findings of 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 4, 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 submit plans showing the proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
10. 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.
11. 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.
12. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
13. 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.
14. 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.
15. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:

16. 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.
 - a) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
 - b) 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.
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).
18. 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.
19. 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 referred to in Condition 15 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures 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.
20. The Subdivider shall convey the following to the Town:
 - a) Block 7 for Road Widening on the east side of Anderson Street and north side of Conlin Road.
21. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the Master Transportation Study (MTS) as it relates to:

- a) Sight distance/decision sight distance/stopping sight distance analysis for the location of Street 'A' at Conlin Road.
 - b) The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Anderson Street – Conlin Road intersection.
 - c) The final right-of-way width, turning lane requirements, visibility triangles, alignment, and horizontal and vertical design of the Conlin Road – Street 'A' intersection.
 - d) Visibility triangles are to accommodate the ultimate intersection requirements.
22. The Subdivider shall be responsible for sidewalk and/or multi-use path installation in the following locations:
- a) 1.8m wide sidewalk concrete on the east side of Anderson Street along the frontage of the proposed development;
 - b) 3.0m wide asphalt multi-use path on the north side of Conlin Road along the frontage of the proposed development;
 - c) 2.5m wide asphalt multi-use trail within the adjacent Hydro corridor; and,
 - d) 1.8m wide concrete sidewalk on both sides of all other streets.
23. The Subdivider shall revise the SAS Sub-Area 5 to address the KSGS peer review comments, dated May 26, 2021 (Attachment 2), including any resultant plan changes, all to the Town's satisfaction.
24. 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.
25. The Subdivider shall be fully responsible for the reconstruction/widening of Anderson Street to accommodate any of the MTS identified intersection improvement requirements to support the development, while maintaining the existing 2-lane rural cross-section and on-road bike lanes.
26. The subdivider shall be responsible for the construction of a 1.8m wide concrete sidewalk on the east side of Anderson Street. 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. Priority shall be given to placing these facilities at their ultimate location and grade where feasible while maintaining the existing road cross-section.

27. 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.
28. 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 may be accommodated.
29. The Subdivider shall be fully responsible for the reconstruction of Conlin Road from Anderson Street to the east limit of development to a 30m Type 'C' arterial road reconstructed to an urban standard with a 3.0m MUP on north side, a 1.8m sidewalk on the south side, on-road bike lanes, and any required turning lanes and entrance works required to support the development.
30. The Subdivider shall be responsible for the implementing the recommendations of the MTS, including but not limited to, installation of a traffic signal or roundabout at the Anderson Street and Conlin Road intersection, interim pedestrian crossing controls on Anderson Street and Conlin Road and the ultimate traffic signals on Anderson Street.
31. 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.
32. 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.
33. The Subdivider shall provide an updated Master Transportation Study (MTS) to address the May 11, 2021, Paradigm peer review comments (Attachment 3) prior to or with the submission of detailed engineering drawings:
 - a. The Subdivider shall, through working with the Town staff, identify traffic calming measures on Street 'A' and Street 'B' 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'/Street 'AE' and Conlin Road/Street 'F'/Street 'H'. 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. 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.
 - d. As part of the MTS the consultant has identified that the 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.
34. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing and maintaining both temporary and permanent signage and pavement markings for the development.
35. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.
36. 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. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school(s).
37. The Subdivider shall implement all recommended noise control measures identified in the Noise Impact Study and revise the plan as required to accommodate recommended noise control measures prior to registration.
38. 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 Subdividers.
39. 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.
40. 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.

41. A second public access may be required for the subdivision until Street 'B' is fully constructed and extended to Street 'A'. Any lots or blocks affected by the secondary access will be placed on 'Hold'. Limits of construction and affected lots or blocks to be placed on 'Hold' will be determined at the engineering design stage.
42. The Subdivider shall be responsible for providing service connections, and a suitable storm drainage outlet, for flows associated with the future development of Blocks 5 and 6, to the satisfaction of Engineering Services.
43. 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.
44. 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.
45. 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.
46. Construction staging details will be required for the proposed servicing and road work on Conlin Road and Anderson Street, including coordination with the proposed adjacent developments and the Region of Durham.
47. 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. The first engineering submission will not be reviewed until it is confirmed that the drawing set-up conforms to this requirement.
48. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
49. 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.

50. 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.
51. 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.
52. Any concerns raised through future re-submissions of the geotechnical report for the site shall be addressed by the Subdivider to the satisfaction of the Public Works Department. This includes, but is not limited to, pavement design specifications based on street classifications, confirmation of design parameters and preliminary layout for LID measures, 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.
53. 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.
54. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
55. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
56. The Subdivider shall be responsible for satisfying any additional requirements identified by Engineering Services not specifically listed above.
57. This development application may or may not be subject to a Parks Master Plan Agreement (PMPA) which is a cost sharing agreement between the Land Subdividers Group. The PMPA is intended to address the parkland dedication/cash-in-lieu of parkland and required park facilities for the subject plan and overall Brooklin Development Area. Should the Master Plan Agreement not get finalized or this land Subdivider is not part of the agreement, then;

58. The Town's will require the maximum rates for cash in-lieu for parkland dedication in accordance with the Planning Act as amended.
59. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes. The Subdivider will indicate these locations on the appropriate servicing plans.
60. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
61. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
62. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
63. The Subdivider shall prepare an updated Sustainability Rationale Report to the satisfaction of the Town of Whitby Strategic Initiatives Division.
64. Through the Site Plan / Plan of Subdivision Agreement, the Subdivider / Developer 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 Subdivider.
65. That the new home construction be designed to meet the Energy Star standards or equivalent.
66. 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.
67. That the Subdivider covenants and agrees to enter into the cost sharing agreeing amongst the benefitting land Subdividers 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. 67 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
68. 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.

69. 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.
70. 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.
71. 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.
72. 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.
73. 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.
74. This letter and the conditions contained therein should in no way be construed as permission for or an endorsement of proposed location(s) for any road crossing(s) contemplated for the proposed development. This permission may be specifically granted by OILC under separate agreement(s). Proposals for any secondary land use including road crossings on the transmission corridor are processed through the Provincial Secondary Land Use Program (PSLUP). HONI, as OILC's service provider, will review detailed engineering plans for such proposals separately, in order to obtain final approval. Should approval for a road crossing be granted, the developer shall then make arrangements satisfactory to OILC and HONI for the dedication and transfer of the proposed road allowance directly to the Town of Whitby. Access to, and road construction on the transmission corridor is not to occur until the legal transfer(s) of lands or interests are completed.

75. The Subdivider is required to submit an application to the NAV Canada land use process. No impact on the instrument approaches at the airport will be accepted. This would be for both the development and any cranes used to construct the development. We would want to see the response letter from NAV Canada illustrating no impacts.
76. The Subdivider must submit an application to Transport Canada to determine the need for obstacle lighting through Transport Canada's Aeronautical Assessment Form. We would want to see the response letter from Transport Canada.
77. If the Subdivider requires a temporary obstacle (i.e. crane) to be above the maximum height(s) as permitted by zoning at any time during the construction project they must complete a Transport Canada – Temporary Zoning exemption request prior to construction.
78. The Subdivider shall complete an Oshawa Airport Crane Permit application prior to erecting any obstacle into the airspace.
79. The Subdivider shall ensure the new structure(s) and associated refuge does not become a wildlife attractant due to its location in proximity to the airport.
80. The Subdivider shall ensure that the storm water management pond (if applicable) cannot be used as habitat for waterfowl.
81. The Subdivider must undertake a noise impact study which determines that the location is suitable for the intended use given the proximity to the airport and its associated aircraft noise. The study must identify and noise mitigation measures which should be included in the building design and same must be included in the final building design.

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 1-14 have been satisfied;
- b) The Central Lake Ontario Conservation Authority, how conditions 15-19 have been satisfied;
- c) Hydro One, how conditions 70-74 have been satisfied;
- d) City of Oshawa, how conditions 75-81 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 Subdivider 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.